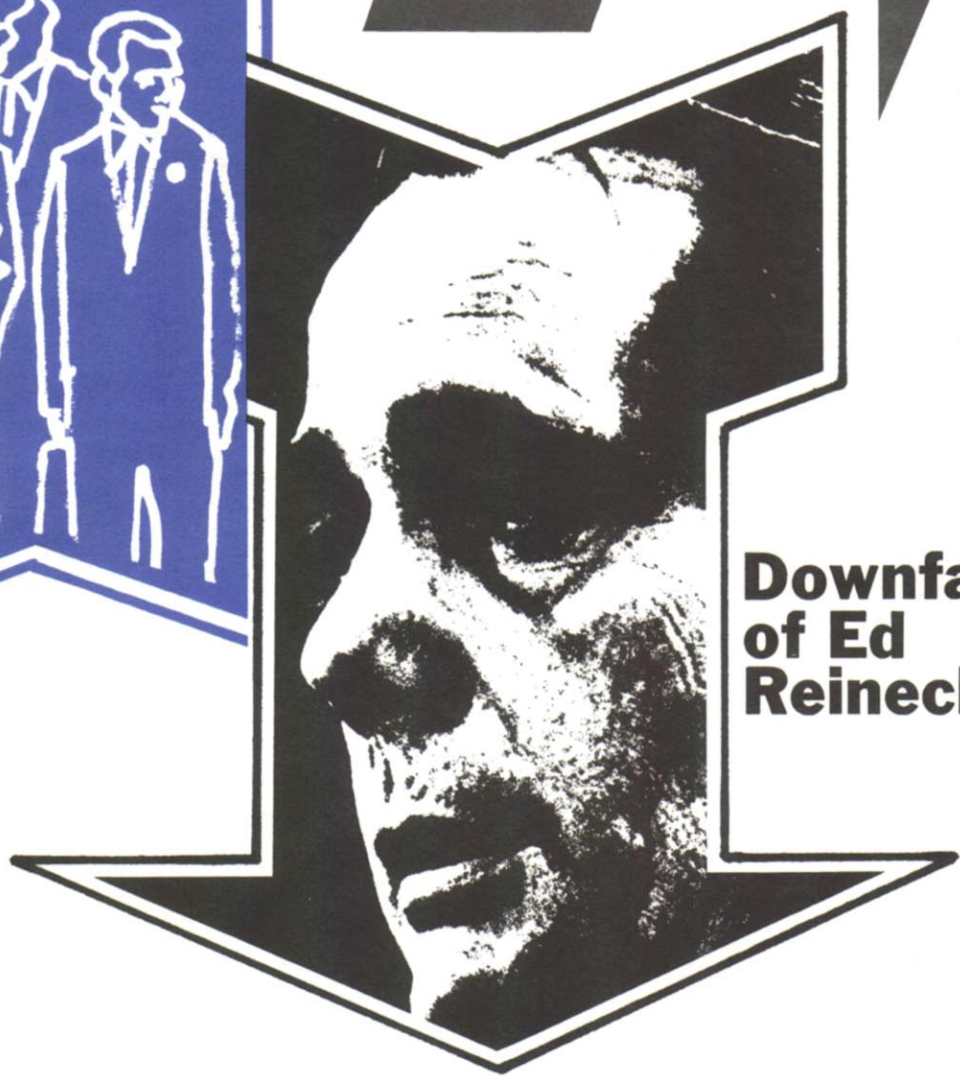
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS

The Top 20 Lobbyists

SPECIAL SECTION
November Propositions



Downfall of Ed Reinecke

September 1974

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A PERSONAL PERSPECTIVE...

By Ed Salzman

Penetrating the puffery

The 1974 campaign for governor, which actually started almost four years ago, is supposed to slip into high gear after Labor Day (which means that's when the heavy spending will start). But does the typical middle-class "swing" voter care? Does this voter sense that there will by any momentous change in his or her style of life whether the victor is Democrat Jerry Brown or Republican Hugh Flournoy? After all, Californians thought they had voted for a drastic change eight years ago when conservative non-politician Ronald Reagan defeated liberal career-politician Pat Brown. And what did California get? They got a largely pragmatic Republican replacing a pragmatic Democrat. The rhetoric of the past eight years was different, but the state budget continued to rise and taxes moved up correspondingly, and the average citizen didn't feel that he was getting any more for his money than before.

And now the typical Californian is supposed to pay attention to Brown and Flournoy as they don their campaign masks and go out to show the people how much better they are in personality and policy than their opponent. The purposes of a campaign are simple: Get your name known (not much of a problem in this case), develop as charismatic a personality as possible and get into step with the crucial, undecided voters on the issues.

* * *

How is this accomplished? The candidates will be traveling up and down the state during the next two months making speeches, shaking hands, meeting with fat-cat supporters and creating "media events" designed to yield maximum favorable publicity, especially on television. Candidates complain often that television does not cover their campaign activities adequately. But should the media jump at the opportunity to cover some canned event that has no real relevance to the qualifications of the candidate to serve in the office being sought? Candidates do and should get the most publicity from activities stemming from the legitimate functions of their present offices.

Most candidates hate to campaign. They know they are playing a phony game stage-managed by their staffs. A great campaigner does not necessarily make a great governor. The real personality of a candidate can be submerged in a campaign, which can create an image that differs significantly from reality. On the issues, too many candidates say what they think the public wants to hear rather than what they themselves think and feel. The *Journal* last month published answers by Flournoy and Brown to a series of questions intended to bring out some of the differences between the gubernatorial candidates. Reading the replies, however, a voter might think the choice was between Tweedledum and Tweedledee. Flournoy moved to the left, Brown to the right, and they met in the center. Those who know the two candidates know that there are major differences in how they view Californians' problems, but will the voter be able to delineate these differences? In the primary campaign, Brown was boasting how liberal he was, while Flournoy concentrated on making himself acceptable to the conservative wing of his party. That was a different campaign, though, and now there is a different audience to woo, the middle-of-the-road voters who might swing to either party as a result of the general-election campaign.

* * *

In a state as large as California, it is impossible for the candidates to meet the masses directly. So they must attempt to do so through the communications media. In this campaign, the most important element could be the announced series of Brown-Flournoy debates. But will the public pay any attention to them during a time when the new President of the United States is attempting to restore confidence in the federal government? Are Flournoy and Brown charismatic enough to make people listen? If the television networks are right, the public isn't very interested in politics. And if the masses do take time to watch, will one candidate emerge from the debates as a clear winner? Will that superior TV debater make the better governor?

The rest of the campaign will amount to repititious speeches, press releases, position papers, gimmicks and catch-phrases designed to get the media to portray one candidate or the other in a good light (and the opponent in a bad light). Reporters ignore many of these publicity attempts and select those elements of the campaign they think their listeners and readers ought to get. But there is no such selectivity in advertising: The candidates' image-makers go straight to the voters with their prepackaged messages.

Is that what the public should be getting during a political campaign, especially from a communications industry that has no responsibility to the candidates and a great deal to the listeners and readers? What the voter needs this November (and in every election) is a penetrating look at the real person behind each image and an analysis of what kind of a job each candidate might do if he or she were elected, and this analysis should be based primarily on prior record.

Not nearly enough reporters penetrate the puffery to tell it like it is. That kind of investigative reporting is hard work, takes a great deal of time and is thus expensive and, above all, risky (because it produces cries of "foul" from any offended politician). At least a couple of the current statewide candidates (not for governor) would probably not have been nominated if the media had told the whole truth about them — their intellectual capacity, for example, their obnoxious egos, their personal habits, their willingness to work. But this is not unusual. How often do the voters have to choose between a lesser of evils? Californians are fortunate this year to have gubernatorial candidates whose integrity is beyond question, who have public-service records that can be examined, and personalities that are quite different and reasonably apparent to the voters.

Still, the public would be better served if the media concentrated on scrutinizing the real people instead of the four-color images beamed on our television screens.

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King of the Third House

By SUSAN BANASHEK and AL MARTINEZ

In a city where men strive to be seen, James Garibaldi is a dominating presence. You don't talk lobbyists' legislation, money or power in Sacramento without the name of the King popping up. And now it's popping up more than ever. With Proposition Nine in the books and political reform in the air, they're saying the reign of the Monarch may be over.

But Garibaldi hasn't abandoned the throne yet. He will tell you it's nonsense to believe that the initiative — which will drastically limit lobbyists' spending and eliminate their right to make campaign contributions — will put him out of business. That isn't even what the business is all about, he'll explain, patiently. His role is simply to furnish information to the legislators. He's only trying to help out.

Master of the third house

James Garibaldi likes you. One knows that instantly. It's part of the mystique, the magic, which for thirty years has made him master of the Third House. He warms a room with his interest in you. He laughs with you. He *cares* about you. "I am," he will say, "just one of the boys."

Well, hardly. Former assemblyman, former Superior Court judge, a tailored and manicured man of sixty-eight, James Garibaldi is not ordinary. He represents elements of both the liquor and race-track industries — the high-rollers in Sacramento — and his income hovers fairly consistently around $10,000 a month. His style, however, is more unassuming than arrogant. Humility is the name of the Master's game. Assemblyman John Knox says it: "Gari doesn't handle himself like a king when he makes a pitch. He doesn't go around with an aura of royalty. He walks with a smile and a shoeshine just like everyone else." Senate Majority Leader George Moscone says it: "I'll tell you something about Gari. He's a friend of the powerless as well as the powerful. You'll see him all the time with people who can't do a thing for him."

The perfect blend of technique and personality is what a Capitol reporter for the *Los Angeles Times* calls it. "He gives the legislators what they need to justify what he wants them to do. They can go out to their constituents and say, 'I did this for the people' — and not for Garibaldi. And maybe "— the reporter shrugs —" it's even true."

To Garibaldi, his influence — "if I have any influence at all" — comes from the fact that he knows his business and that his word is always good. Don't even mention the word "power" to him. Talk instead about hard work and trust. Talk about the absolute necessity of advocates (he prefers the term to lobbyists) in the Capitol. "I don't see how government could function without our services," he says. "What one person would have enough expertise on all subjects to make a decision on complicated bills? What better way than to have advocates telling him the various problems and giving him a complete spectrum?"

Garibaldi is an expert at what he does. And even while advocating one point of view, he will offer the legislators he is lobbying both sides of the story. "His word is good," insists Moscone. "His reputation is based not on money but on credibility. Entertainment may be part of Garibaldi's style, but he's no street-walker."

The Judge works carefully to prepare his client's position on impending legislation. He compiles it into a brief. He presents that brief — and a few persuasive words — to each member of the committee that may be studying the matter. If it goes to a floor fight, he will do the same to every member of the Legislature.

Arm-twisting has nothing to do with Garibaldi's influence. It is more subtle than that. Former Senate leader Hugh Burns puts it this way: "They judge a poker player by the number of chips he holds, and Gari holds the chips." The chips are his clients. He represents, among others, the Wine and Spirits Wholesalers of California, the Signal Companies, Pacific Outdoor Advertising Company, the Hollywood Turf Club and Blue Chip Stamps. That kind of representation has allowed the King to contribute to the campaigns of, by his estimate, 70 percent of the legislators. His individual campaign gifts have ranged up to $1,500. That kind of representation has allowed him to spend as much as $3,500 in a month on entertainment.

Enter Proposition Nine

Proposition Nine will end that kind of free-wheeling expenditure. Some legislators predict that it will also mean the end of Garibaldi and the Garibaldi style, but the lobbyist doesn't agree: "The legislators are still going to need information, whether you buy them lunch or not. It may make our life-style a little different, but it's not going to wipe us out." As for the initiative's restrictions on campaign contributions: "It's silly. I can say to my clients, 'This man is a good man," and they can give money. Hollywood [Turf Club] can still give everything it wants, but I can't tell them how to give it. Now what the hell is the sense in that?"

Garibaldi views the reform measure as just another campaign against his profession. "People still believe that business about the 'Secret Boss of California' and invisible government," he sighs, referring to the days of Artie Samish. "They're still saying we have more power than the Governor.

"Once everyone blamed the Communists for everything. Now it's the lobbyists. But I'll tell you one thing: Lobbyists had nothing to do with Watergate."

The authors are staff writers for the Los Angeles Times, *and Al Martinez wrote the profiles of gubernatorial candidates Edmund G. Brown Jr. and Houston I. Flournoy in the August issue.*

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Who are Sacramento's most influential lobbyists?

By CHRIS WAHLE

The prime and perhaps sole mission of Sacramento's 675 registered lobbyists is to influence the course of legislation loved or hated by their clients. But with something between five and six lobbyists for every legislator, only a select few advocates can carry a great deal of weight. Who are these kingpin lobbyists who can at times exercise even more power than individual members of the Legislature? What are the *modis operandi* of the successful advocates and what skills need they possess?

The people who can answer these questions best are the men and women whose votes are being influenced by the hordes of lobbyists — the 40 senators and 80 Assembly members. In an effort to identify the state's most important lobbyists, 20 members of the Legislature — ten Republicans and ten Democrats, eight senators and twelve assemblymen — were asked who they felt are the most influential lobbyists and why. They were also questioned about the techniques of lobbying, the advocate-legislator relationship and the general role of lobbyists in the legislative process. (Technically, "lobbying" is illegal in California — the result of a so-called reform passed after the exposure of arch-lobbyist Artie Samish 25 years ago, but "advocacy" is legal. There is no practical difference between a lobbyist and a legislative advocate, however.)

Legislators were told that they would not be quoted and that they should consider the following five classes of lobbyists in selecting the most influential:

Contract lobbyists. These advocates work for almost anyone willing to pay their fee. The best of them charge high prices, have made substantial campaign contributions over the years, and get results.

Corporation lobbyists. These advocates work for one company and represent only its interests, although they often work with other lobbyists pursuing the same goal.

Association lobbyists. These are employed by organizations representing firms, public agencies or labor groups having similar or related problems.

Public-agency lobbyists. Aside from the associations representing public agencies, numerous cities, counties and special districts maintain their own advocates in Sacramento. Many state agencies have legislative liaison officers, who need not register as advocates but who lobby nevertheless.

"Good-guy" lobbyists. These advocates represent interests seeking reforms in a variety of fields. They include the League of Women Voters, the National Organization for Women, the Planning and Conservation League, the Friends Committee on Legislation and many other organizations with relatively low budgets. [See related article.]

The author, a graduate of the University of California at Davis, conducted the survey on which this article is based while a Journal *intern.*

Survey participants

Assemblymen — Democrats John T. Knox, Jack Fenton, Carlos Bee, Leo T. McCarthy, Ken Cory and Bob Moretti (via aide Ethan Wagner); Republicans Frank Murphy, Jerry Lewis, Paul Priolo, Robert Beverly, Robert Badham and Dixon Arnett.

Senators — Republicans Dennis Carpenter, Jack Schrade, Howard Way and Fred Marler Jr.; Democrats James R. Mills, Ralph Dills, George Moscone and Nicholas Petris.

The top 20

Here are the rankings of the top 20 lobbyists (or combinations of lobbyists) as selected by the 20 legislators interviewed:

1. **James G. Garibaldi**, various clients including the Hollywood Turf Club, the Wine and Spirits Wholesalers and the California Association of Highway Patrolmen.

2. **Richard (Bud) Carpenter**, League of California Cities, and **California Advocates, Inc.**, (Robert J. Beckus, George Steffes and Loren Smith), numerous clients including the Association of Bay Area Governments, the California Automobile Dealers Association and Knudsen Corp.

4. **Daniel J. Creedon**, several clients including the California Brewers Association, the California Funeral Directors Association and the City of Vernon, and **Dugald Gillies**, California Real Estate Association.

6. **California Retailers Association** (Les Howe and Bob Shillito), **Vern Cannon**, California Teamsters Legislative Council, and **John F. Henning**, California Labor Federation AFL-CIO.

9. **Paul R. Brown**, California Medical Association.

10. **Coleman Blease**, American Civil Liberties Union (since resigned), and **Lewis Keller**, Association of California Life Insurance Companies.

12. **Hal Broaders**, Bank of America, **Jack Crose**, several accounts, including the City of Long Beach, Tenneco, Inc., and Western Developers Council, **Bill Press**, Planning and Conservation League, **California Teachers Association** (as an organization), and **University of California Student Lobby** (as an organization).

17. **Carl Holmes**, Pacific Telephone, **Jefferson**

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Peyser, Wine Institute and Real Property Loan Brokers Association, **Richard Ratcliff**, California Bankers Association, and **Albert Shults**, ten major petroleum corporations.

Attributes of success

The findings suggest no standard formula for success in advocacy. Legislators ascribed different reasons to the success of the top 20 lobbyists. Among the techniques and assets listed were pleasant personality, salesmanship, campaign contributions, expert knowledge, entertaining ability, the political potency of the client, and personal intelligence and credibility. Many legislators preferred to talk about advocates as "informers" rather than "persuaders", but virtually all claimed that the lobbyist is vital to the legislative process and conceded that campaign contributions are at least subliminally persuasive.

Some of the legislators named lobbyists with whom they often disagree on the issues but whom they respect. Garibaldi was named by 13 of the 20 legislators; Carpenter and the Beckus group by ten; Creedon and Gillies by nine; Cannon, Henning and the Howe-Shillito team by eight; Brown by seven; Blease and Keller by six; and the rest by three or four.

Garibaldi, a former assemblyman and judge, has generally been recognized for years as the king of the Sacramento lobbyists. Legislators said his influence is derived from his personality ("he's liked by everyone"), his persuasiveness ("a classic salesperson"), his campaign contributions ("he is diplomatic with the use of money"), his close ties to veteran legislators, and his knowledgeability. One summary statement on "The Judge" or "Gari", as he is known around the Capitol: "He is an honorable gentleman and liked by everyone."

The effective advocate

Here is a composite of the reasons given for the success of the other leading lobbyists:

Bud Carpenter — experienced, highly ethical, honest, thorough, knowledgeable, "a real human being".

Beckus-Steffes-Smith — represent powerful interests, forthright, highly reliable, professional, good entertainers, classy and balanced.

Danny Creedon — establishes and maintains social contacts, makes big campaign donations. (Creedon, like Garibaldi, is a former assemblyman.)

Doug Gillies — articulate, honest, reliable, knows his subject well. (He is a former Senate committee consultant.)

Howe and Shillito — excellent credibility, knowledgeable in taxes, quiet and friendly (Howe); persuasive in Assembly, represents a powerful interest, campaign contributions (Shillito).

Vern Cannon — a sophisticated pro, "not all over you, doesn't go to the well too often."

John Henning — straightforward, represents a large number of Californians in unions, campaign contributions.

Paul Brown — personality, friendship, clear communication, "trustworthy even though I don't often agree with him."

Cole Blease — expert in criminal law, "has the Criminal Justice Committee locked up," intelligent, good tactician. (Blease recently left the ACLU in a dispute over rape-law revision.)

Lew Keller — represents powerful interests, big campaign contributions, articulate, "means business," concentrates on key individuals.

Aside from Blease, the only "good-guy" lobbyist to make the top 20 is Bill Press of the Planning and Conservation League. He was described as a responsible conservationist who knows his subject thoroughly and who can "disagree agreeably". Not many years ago, oil advocate Al Shults would have been near the top of the list, but the conservation movement, the energy crisis and, most of all, the departure from the Senate of many of his close friends have resulted in a significant drop in influence. In the days when Democrats Hugh Burns and George Miller Jr. ran the Senate, Shults and Garibaldi were probably far and away the most powerful members of the so-called Third House. In those days, Gillies was the consultant to the old Senate Governmental Efficiency Committee, which made it a habit of killing all bills unfavorable to the clients of Garibaldi, Shults and associates.

Mother's milk

The survey indicated that a lobbyist can have a significant impact without making large campaign contributions but that money surely helps. None of the legislators interviewed admitted being influenced *solely* by money, but nearly all said that money had some effect on decision-making. Said one: "Money can't help but affect decisions." Another said that it wouldn't change opinions but would buy a legislator's ear. Most contributions come from people of the same political philosophy as the legislator, this lawmaker added. A third legislator put it this way: "Money, together with expertise, helps to develop a friendly relationship."

But some legislators emphasized that friendship is more important than campaign contributions: "Social contacts are more influential than donations. Legislators respond to their personal friends." Said another: "It is more difficult to vote against personal friends. I'll do a favor for a friend, especially if I agree with the bill or if I don't care." This last comment emphasizes one technique of successful lobbyists: They don't waste time on lawmakers who are philosophically opposed to their views, but solidify those who generally agree with them and concentrate on legislators without strong convictions on the bill at issue.

Repeatedly, legislators remarked about Garibaldi's

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personality. Some legislators considered a pleasant personality to be the most important element of success. "The successful lobbyist has personality," said one legislator. "He has many personal acquaintances in the Legislature and years of experience as a lobbyist. Essential and true of the best lobbyists is that they are honorable gentlemen and liked by everyone." It was clear that he was using Garibaldi as his model.

Veteran legislators report that the relationship between the Third House and lawmakers has changed markedly since the advent of the nearly full-time Legislature with enactment of Proposition 1A in 1966. Until that time, few lawmakers or lobbyists moved their families to Sacramento. There was plenty of time to play then, and the lobbyists furnished the funds or whatever else was needed to provide a good time. But the increase in salary in 1966 (from $6,000 a year to $16,000 at that time) upgraded the professions of legislator and advocate. Families moved to Sacramento. Legislators and lobbyists no longer automatically meet at downtown watering places after the day's work, and some legislators won't even accept evening social invitations if spouses are not included.

In short, entertainment isn't nearly as important as it was only eight years ago. The lobbyist of 1974 can be a teetotaler who goes home to the wife and kids at 6 p.m. and still be mighty successful. Wining and dining still plays a role in the lobbyist's arsenal, but it doesn't get nearly so many votes as personality, reliable information, knowledgeability, persuasiveness and an ability to help incumbents win reelection through large campaign contributions.

California *NEWSBRIEFS*

Court cancels special election to fill Burton's Assembly seat San Francisco Superior Court ruled last month that holding a special election in the 20th Assembly district "would be a futile act and would constitute a waste of public funds." The district would be eliminated under reapportionment 24 days after the special election Governor Reagan — as state law requires — called for October 8th. It was formerly represented by John L. Burton, who won an election in June to fill the congressional vacancy caused by Representative William S. Mailliard's resignation.

BART gets go-ahead to start transbay service September 16th The Bay Area Rapid Transit District won the approval of the California Public Utilities Commission August 16th to begin rail service linking San Francisco and the East Bay September 16th. BART had staged a full-scale trial two weeks earlier to demonstrate that safety deficiencies had been remedied. Despite some snafus of the sort that have marked BART's initial operation, the PUC concluded that the district now "can provide a safe method of operation for transbay and total system service."

Artificial food colors and flavors blamed for some hyperactivity An experiment run in the Santa Cruz City School District for the state Department of Education concludes that hyperactivity in children can be reduced significantly by dropping artificial food coloring and flavors from their diets. The study, conducted last April and May, found that 16 of the 25 hyperactive children monitored showed definite behavioral improvement when their intake of artificial food additives was cut. (Seven kids went off the diet.) These changes included "improved relationships with parents, teachers, peers and siblings, improved personal behavior . . . , and improved learning behavior, such as increased ability to concentrate and develop new interests and skills."

The large consumption among Americans of artificial food additives has come under growing criticism on a national level. In California, a study by the California Association for the Neurologically Handicapped estimated that "incidence of hyperkinesis has risen from 2 percent to an average of 20-to-25 percent and, in some cases, affects 40 percent of a school population."

State research builds 'laser fence' as tool in fighting burglary The California Crime Technological Research Foundation has developed an invisible wall of energy that can detect human intruders and set off sirens, illuminate the area or otherwise alert security personnel. The device was tested by a Sacramento construction company, which used a prototype to detect and prevent break-ins on a sprawling construction site at the old State Fairground. The state corrections system reportedly is experimenting with the "laser fence".

The foundation was created by the Legislature in 1967 to do research and development in areas of science and technology not already being explored by other agencies or private industry. The state, as patent-holder, can issue licenses to prospective manufacturers for commercial production of the device.

'Total compensation' provides a new measure of state workers' pay Workers for the State of California are being gradually placed under a payment concept known as "total equivalent compensation" — a concept that clearly identifies so-called fringe benefits as part of an employee's remuneration. It is also thought to provide a more equitable measure of state pay with prevailing wages for similar work in the private sector.

The concept emerged from a study done last year by Wyatt Actuaries, Inc., and Cresap, McCormick and Paget, Inc. [See: "Study finds state civil service needs overhaul," *CJ*, June 1973, p. 209.] The new payment system, which was authorized by the Legislature, sets forth a number of guidelines, among them:

- Prevailing benefits earned in the private sector indicate possible desirable benefits, "rather than plans to be exactly duplicated," in recognition of "the particular conditions of state service."
- Salary establishes an employee's standard of living; benefits maintain that standard.
- Benefits are aimed at the career employee who will serve 25-30 years and retire at age 60 (or 55 in the case of safety personnel).
- Maximum retirement allowance should be 75 percent of the highest consecutive three-year average gross pay, as adjusted by changes in the Consumer Price Index.

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The brown-bag bunch

A black hat has been affixed to a sign outside Posey's Cottage, a restaurant that occupies a corner one block from the Capitol. "Home of the Derby Club" the sign proclaims — referring to the assemblage of special-interest lobbyists and lawmakers who drink and lunch together most Tuesdays in a private room behind the restaurant. There's no corresponding white hat outside Westminster Presbyterian Church, a few blocks from Posey's Cottage, to indicate that the Good Guys lunch here. But on Wednesdays, brown bags in hand, representatives from some 35 people-interest groups [see box] meet here to share information and swap political intelligence.

The existence of the Derby Club — and there is nothing necessarily sinister in lawmakers and lobbyists lunching together — helps explain the existence of the Good-Guy Club. Its members know that they are outclassed when it comes to money and realize that their currency is up-to-date, accurate information on legislation of interest to them and the groups they represent.

The good guys include such groups as the American Civil Liberties Union, Legislative Birdwatchers, League of Women Voters and the Housing Action Committee. Most struggle along with a paid staff of two or three, but their causes — education, children, poverty, women's rights — tend to attract students and others willing to work as volunteers, as well as a strikingly high proportion of women — 75 percent, as contrasted to the six percent or so of the 675 registered legislative advocates who are female. The absence of money may explain the dirth of men in the Good Guy workforce. "There's no money in working for welfare, health, children, or women's rights," explained one female member.

Andrea Throne of the Western Center on Law and Poverty, a federally funded agency offering legal aid to the urban poor, believes that the people-oriented lobbyists fill a void in the political process. "People's lobbies represent much of the public who don't have their own private-interest lobby to represent them," she said. "People ought to have the same access as those who can afford to pay for private-interest lobbies."

The Good Guys seem agreed that their weekly lunches are now basic to their lobbying efforts — but not because they can find allies here (they rarely do). "The weapon is information," said Laura Magnani of the Friends Committee on Legislation, "so you get together and share weapons." The "weapons" traded at a typical Wednesday session include advice on sources of reliable information on various fields, a likely effective author for a legislative proposal, and which lawmakers can and cannot be counted on to vote the way they promise. The lunches, the members agree, help get information and keep it current — an important weapon in the Capitol, where a premium is placed on getting accurate information. As one Good Guy put it: "You can't learn the ins-and-outs of the Capitol from books. You have to learn from those who did it before you."

Shelley Wood, a graduate of the University of California at Davis, researched this article while serving as a Journal *intern.*

The 'good guys' roster

Association of American University Women, American Civil Liberties Union, Legislative Birdwatchers, California Association for the Retarded, California Church Council, California Consumer Federation, California Children's Lobby, California Association of Rehabilitation, California Food Service Workers, California Nutrition Action Committee, California Rural Legal Assistance, and California Human Services Organization.

University of California Food Advocates, Friends Committee on Legislation, Housing Action Committee, Jewish Public Affairs Committee of California, Liaison Committee for Child Care Centers in Higher Education, Legislative Information Service, League of Women Voters of California, National Association for the Advancement of Colored People, National Association of Social Workers, National Organization for Women, and National Senior Citizens Law Center.

On the Capitol Doorstep, Parent-Teachers Association of California, Public Education Research Committee of California, Planning and Conservation League, Student Political Information Service, United Way of California, University of California Student Lobby, Western Center on Law and Poverty, Young Women's Christian Association, Zero Population Growth, and Women's Lobby.

The Good Guys got a potentially important boost in their quest for equalizing access to lawmakers with passage last June of Proposition 9, the political reform initiative. It will put lobbying operations under more stringent supervision and sharply limit how much money an advocate may spend on the people he or she is trying to influence. But the provisions of Proposition 9 do not become effective until 1975, so meanwhile the Good Guys are still trying to stretch a buck.

Although people like Emma Gunterman of the National Senior Citizens Law Center don't feel that wining and dining is necessary because "most people in the Legislature are interested in people and helping them", the aspiring advocate must at least become known to those whom he or she wishes to influence. Last year, the Goody Guys invited legislators to a brown-bag lunch. And the University of California Student Lobby tried to bridge the gap between the so-called Third House and the two legislative houses by holding spaghetti dinners for lawmakers at the apartments of various student interns.

"You try to do the best you can," concluded another of the Good Guys. And that means dealing in facts, delivering them with persuasiveness, and building a reputation of reliability among the decision-makers in government. Information, the Good Guys have to believe, is as much the "mother's milk of politics" as money.

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The new disclosure law . . . charting the complex flow of campaign contributions

The June primary election in California was a milestone: For the first time, the public had access to extensive records of campaign funding and spending. The Waxman-Dymally Campaign Disclosure Act, passed last year, compelled candidates and their donors to report contributions in detail. The result, supporters of the new law hope, will be to improve public understanding of campaign financing and to illuminate links between special-interest largesse and political favors.

While the documentation thus produced is the richest and most precise ever, the real dollar value of campaigns remains elusive. The stream of money tends to disappear in the mountains of cumulative figures, "in-kind contributions", and other reporting devices described in the following report.

By LOUISE MA

Some 2,000 folders are filed away in the Secretary of State's archives. They cover campaign spending in the 1974 primary election. The candidates' statements run from a single page, in many cases, to a pile of folders a foot-and-a-half thick — the latter documenting the financing of Secretary of State Edmund G. Brown Jr.'s successful campaign for the Democratic gubernatorial nomination. The sheer volume of the accumulated material makes it difficult, if not impossible in many cases, to ferret out the significant contribution or trend of contributions from the eye-washing detail offered, one suspects, more in faithfulness to the letter of disclosure laws than to their spirit.

This year's reports mainly show who contributed to what political causes and how much money candidates received and spent on their campaigns. Yet, despite increasing disclosure, a gap remains between what the public is likely to learn about campaign financing and what the politicians involved could reveal. For example, campaign statements do not necessarily trace the flow of money from original contributor to eventual spender; nor do they reveal an individual's purpose in making a contribution, the purpose the contribution actually serves, and any disparities between intent and use.

In short, the public still does not really know the different uses to which contributions can be put — and it may be that even the contributors themselves have little clear idea of what their generosity buys. Still, those 2,000 dossiers offer the diligent investigator a good deal more to work with than the sometimes whimsical submissions offered by candidates under the state's previous, less-demanding and generally unenforced disclosure laws. The problem now becomes one of coping with this mass of required raw material.

The author, a recent graduate of the University of California at Berkeley, studied campaign reports under the Journal's *internship program.*

Cash flow

Contributions are made directly to a candidate or transmitted through lobbyists, employee organizations and special committees established to support or oppose a particular ballot measure or candidate.

While these latter groups are often called "political action" committees, they usually do little more than accept contributions and make contributions — thus providing a cloak for donations by corporations and special-interest groups. United for California and the Committee to Elect State and Local Candidates are typical of such campaign front organizations. United for California accepted contributions from Fluor Corporation, Wells Fargo, Union Oil, and TI Corporation of California; Committee to Elect State and Local Candidates transmitted contributions for Holmes Tuttle Enterprises, Beverly Lincoln-Mercury, TI Corporation, Rohr Industries and ARCO. The two committees contributed $78,128 to conservative statewide candidates and legislators. Common Cause also used large contributions from such major donors as Max Palevsky and Lou Cella to fund the Committee for Political Reform, which managed $451,161 on behalf of Proposition 9, the successful political reform initiative.

The use of conduits and front organizations to transmit funds enables a contributor to support a candidate without being directly linked to the recipient. Only a few companies filed statements under their corporate names; those that did not deal through committees or lobbyists either made modest contributions or, more often, placed them with great selectivity. TI Corporation, for example, itemized contributions to proposition committees sup-

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REPORTING REQUIREMENTS

Disclosure laws are not new to California state government, but the Waxman-Dymally Act of 1973 clamped stricter controls on the existing statutes, which Secretary of State Edmund G. Brown Jr. began enforcing after 1970. The present law requires all candidates for public office, committees receiving or expending $500 or more and individuals contributing $5,000 or more ("major donors") to file campaign-finance statements. Since the law took effect on January 1, 1974, there have been three reporting dates: May 10th, May 28th and July 12th. The Waxman-Dymally Act created the classes of the "major donor" and political committee, added a late-filing fee of $10 a day, and required itemizing any expenditures and receipts exceeding $100.

Further controls will be implemented when Proposition 9 takes full effect on January 1, 1975. The minimum contribution to be reported will drop to $50, campaign-spending limits will be placed on statewide races, ballot-measure campaigns and signature-gathering drives to qualify initiatives. Lobbyist spending will be limited to $10 a month, with an outright ban on making campaign contributions, directly or indirectly as at present.

porting bonds for parks, schools and wildlife, but funneled funds for individual candidates through United for California. Fluor Corporation reported contributing $13,500 to Proposition 1 (park bonds); Proposition 3 (veterans' bonds); Citizen's Committee for Schools; and Citizens for Better Transportation (supporting Proposition 5 — use of gasoline taxes for mass transit bond). The company also listed a $3,000 gift to United for California and a $5,000 donation to the Committee to Elect State and Local Candidates. However, the report does not readily reveal which candidates finally got this total of $8,000 transmitted to individual campaigns by the two political fronts, but it is unlikely that any special-interest group would care to give indiscriminately. Similarly, Hewlett Packard reported giving $5,000 to the accounting firm of Price Waterhouse, but Price Waterhouse did not have to report how such a campaign contribution was used.

The frequent result of such corporate-contributing practices is that campaign-reporting requirements do not deter contributions. On the contrary, they may help the candidate or donor obscure the real flow of money.

The committees

Major committees representing a more definitive constituency shared an affinity for sound-alike titles. Some of the political action committees are: Association for Better Citizenship (teachers), Responsible Government Committee (bankers), Citizens for Responsible Government (Pacific Telephone), Citizens for Truthful Government (Realtors), Good Government Committee (savings and loan associations), Lawyers and Clients for Good Government (California Trial Lawyers Association), Retailers for Good Government, Southern California Community Action Program Council (United Auto Workers, aerospace and agriculture workers), and Good Government Club (General Telephone). These committees are not entirely representative of their consituencies; Citizens for Responsible Government, for example, collects contributions from Pacific Telephone executives; Hughes Active Citizenship Fund lists contributions from a select group of engineers, and Pacific Lighting Political Assistance Committee ferreted contributions from executive and branch managers of Southern California Gas Company.

Major special interests active in the 1974 primary

(The detailed analysis that follows is based on campaign statements filed through July 12, 1974. The reported figures are often cumulative totals of how much a candidate received up to and including the June 4th primary election, but in a few cases only partial amounts are listed.)

California Retailer's Good Government Council. Representing large California retail companies, the council invested $4,000 in Bob Moretti's gubernatorial campaign. Of the five incumbent legislators supported, at least two members were on these legislative committees: Finance and Insurance, Ways and Means, Employment and Public Employees, Judiciary, Transportation, and Education.

Insurance companies. California Life Insurance Companies gave $500 apiece to legislators Alan Short, Ken Cory, Bill Bagley, Carlos Bee, James Mills, Lawrence Walsh and $1,000 to Wadie Deddeh. California Life Underwriters gave $250 to Assemblyman Newton Russell. California Title Insurance Political Action Committee gave $400 to Senator Craig Biddle, $250 to Assembly hopeful Art Torres and $400 to Blair Reynolds, another aspiring assemblyman. The Fund for Insurance Education gave $1,000 apiece to Senators Walsh, Ralph Dills, and Jack Schrade. The Insurance Men's Political Action Committee collected $100 contributions from insurance agents and distributed it in these amounts: $1,000 apiece to Assemblymen Joseph Montoya, Louis Papan, Leo McCarthy and Bagley, successful Republican nominee for state controller; $400 to Assemblyman John Foran; $300 to gubernatorial candidate Moretti; $100 to Senator John Harmer; and $100 to Assemblyman Paul Bannai. Deddeh, former chairman of the Assembly Committee on Finance and Insurance, received $1,000 from insurance interests, and Bradley, chairman of the Senate Committee on Insurance and Financial Institutions got $1,500.

Railroad interests. The California Railroad Association, through its four lobbyists, gave $18,850 to 46 incumbent legislators and three challengers for legislative office.

Automobile dealers. The California Auto Vendors and Auto Dealers Association gave $4,100 to Moretti and opposed Proposition 5 (use of gasoline taxes for mass transit).

Bankers and lawyers. The bankers' Responsible Government Committee gave $13,650 to 37 legislators. Many major banks also contributed heavily to the Know Nine Committee opposing Proposition 9, to the Republican and Democratic statewide finance committees, and to both United for California and the Committee to Elect State and Local Candidates. Lesser amounts were given to support Propositions 1 (park bonds), 2 (water bonds) and 3 (veterans' bonds). Lawyers and Clients for Good Government (California Trial Lawyers Association) gave Assemblyman Moretti $5,000.

Dairy industry. Challenge-Cook Brothers gave $2,500 to Republican Houston Flournoy's gubernatorial campaign. But the League of California Milk Producers' contributions to Democratic Assemblymen Howard Berman and Willie Brown were rejected (one of the few instances in which campaign disclosure — and national political scandal involving the dairy industry — chilled candidates' attitudes toward special-interest help).

Medical profession. The California Medical Association contributed to opposing candidates: Assemblymen Jerry Lewis and Ruben Ayala, competing in a special election for a state Senate seat, each accepted $5,000 from the CMA. While doctors and dentists reserved most of their money for national elections, they spent $10,000 to oppose Proposition 9 and $25,000 to support Moretti's gubernatorial bid. The California Associa-

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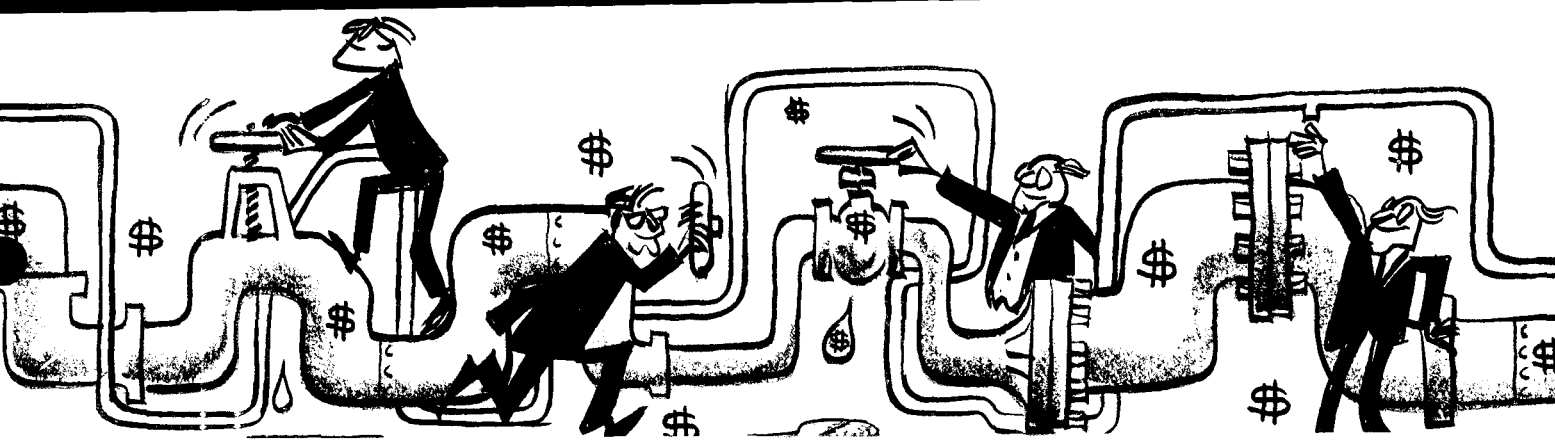

tion of Nursing Homes gave Flournoy and Brown $5,000 apiece.

State employees. The California State Employees Association, which represents two-thirds of the state's civil servants, contributed more than $7,000 each to Assemblymen Bob Wilson and Frank Murphy and Assembly hopeful Bruce Nestande of Orange County. California Teachers' Association for Better Citizenship spent only one-tenth of its funds in the primary election, $8,000 of it going to Senator Ralph Dills.

Real estate. CREPAC, the California Real Estate Association Action Committee, gave $5,000 each to Senator John Harmer's race for lieutenant governor and to Assemblyman Bill Bagley's campaign for controller. (Both are Republicans, though Harmer is as politically conservative as Bagley is liberal.) CREPAC took a bipartisan stance, however, in contributing to both the Democratic and Republican Caucuses and to Sacramentans for Clean Water.

Utility companies. Branch managers and executives of subsidiaries to Southern California Gas Company amassed funds behind the cloak of Pacific Lighting Corporation. Contributions were earmarked for 22 incumbent legislators. Pacific Gas and Electric and the telephone companies of California presented a greater cross-section of employees, but spent most of their money on ballot measures (with PG & E contributing $10,000 to oppose Proposition 9).

Oil companies. ARCO, Standard Oil, and Union Oil all qualified as major donors, having contributed $5,000 or more. Like TI Corporation, they enumerated contributions for ballot measures and lumped candidate support into one large sum for United for California and party organizations. Union Oil contributed towards seven candidates for county assessor. G.T. Ballou, vice president of Standard Oil gave $1,200 to Flournoy and $500 to Californians for Lower Taxes, supporting Reagan's tax initiative on last November's ballot. ARCO funded numerous legislative candidates, including Republican lieutenant governor candidates Jack Veneman ($1,250), who lost, and Harmer ($1,000), who won.

Law enforcement. The Los Angeles Police Protective League gave $1,125 to Secretary of State Brown, $600 to Vincent Bugliosi for attorney general, and $400 each to Walter Karabian for secretary of state and to Senators Alan Robbins and Dills and to Assemblyman Robert Burke. The Peace Officers' Research Association of California parcelled out $4,325 to 20 incumbent legislators and to the California Democratic Party, each contribution amounting to less than $500.

Organized labor. Among labor's contributions:

- *AFL-CIO* – $500 to Assemblyman Willie Brown, $600 to Assemblyman Julian Dixon, $750 to Senator Mervyn Dymally for lieutenant governor and to Assemblyman Bill Greene, $650 to Assemblyman Frank Holoman, $600 to Assemblyman Bob Wilson, and $29,304 to Moretti for governor.
- *International Ladies Garment Workers Union* – $250 to Dymally and $1,166 to San Francisco Major Joseph Alioto for governor.
- *Machinists* – $1,525 to Senator Alfred Alquist, $1,000 to Vic Beauzay.
- *Communications Workers of America* – $500 to Dymally, $1,500 to Bill Norris.
- *Teamsters* – $2,000 to Dymally, $1,000 to Ken Meade, $1,000 to George Moscone, Willie Brown, Mayor Alioto, Cory, Robbins, Senator John Holmdahl, and Karabian, $2,500 to Jesse Unruh for treasurer, $1,500 to Leo McCarthy, and $11,998 to oppose Proposition 9.
- *Operating engineers* – $5,500 to Alioto.
- *California Labor Council* – $5,000 to Holoman, $3,000 to Bob Mendelsohn $5,000 to Dymally, and $4,500 to Ayala.

A roster of major donors — the 'high rollers'

Following are the major individual contributions:

Lou and Maria Cella — $6,000 to Brown for governor.

Cornelius Dutcher, president of Steam Power System, San Diego — $5,000 to support Proposition 9, $15,000 to Democrat Gray Davis for treasurer.

Leonard Firestone — $6,000 to Flournoy for governor.

William Hunt Conrad, lobbyist for the Irvine Company and Heggblade-Margueleas-Tenneco, Inc., among other interests — $2,787 to Jack Veneman and $1,000 to Californians for Lower Taxes.

Excel Mineral Company — $2,000 to Dymally, $3,500 to Brown, and $6,000 to Moretti.

James Minor, San Jacinto Packing Company executive — $5,000 each to one-time Democratic gubernatorial hopeful George Moscone, Karabian, and Jerry Brown.

Marion Laboratories, Kansas City, Mo. — $6,000 to Moretti.

Terence Matthews, Electronic Plating Service executive — $2,000 to Dymally and $6,300 to William Norris, Democrat for attorney general.

Cyril Magnin of San Francisco — $10,000 to Alioto, and a $1,000 loan to San Francisco Supervisor Bob Mendelsohn's race for state controller.

Max Palevsky, Xerox-affiliated millionaire — $10,000 to Common Cause, $6,000 to Henry Waxman, $23,000 to Gray Davis, $24,000 to Ken Cory, and a $25,000 loan to Norris.

Joan Palevsky — $40,600 to Jerry Brown.

Taft Schreiber, television industry executive and Reagan supporter — $6,546 to Flournoy's campaign for governor.

Walter Shorenstein, San Francisco real estate magnate — $9,000 to Alioto and $500 each to Moscone and Dymally.

Carmen Warschaw, former Democratic National Committeewoman and her husband Louis, Los Angeles businessman — $10,000 to Moretti.

Victor Palmieri, southern California land-developer — $15,000 loan to Norris and $5,000 loan to attorney Howard Miller for lieutenant governor.

Lobbyist contributions — a last fling?

The disclosure provisions of the new Waxman-Dymally Act did not inhibit contributions from the legislative advocates, who will be forbidden to make or even guide campaign contributions after the provisions of Proposition 9 become fully effective January 1st. Horse-racing and liquor interests and California funeral directors were among the leading lobbies active financially in the 1974 primary. For example:

Daniel Creedon, a former legislator, reported a nearly systematic method of making contributions: On behalf of the Malt Beverage Industry, Creedon gave $500 each to

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Senators Biddle, Carpenter, Dills, Mills, Moscone, Song, Stull and Zenovich, and $250 each to 42 assemblymen for a total of $14,500. Creedon also transmitted twenty-four $250 contributions to assemblymen on behalf of the California Funeral Directors Association (total: $6,000). He placed $300 from Consulting Engineers to each of 11 assemblymen. Occasionally, Creedon raised his usual $250 gift to assemblymen to $500, as in the cases of Alex Garcia and Frank Holoman; both sit on the Assembly Governmental Organization Committee, which handles legislation dealing with alcoholic beverages.

James Garibaldi, on the other hand, concentrated his contributions on three statewide candidates. Garibaldi transmitted $10,000 to Bob Moretti, reflecting matching contributions from Hollywood Park Trust (horse-racing interests) and Wine and Spirits Wholesalers. Senator Walsh, a Democratic candidate for lieutenant governor, accepted $2,875 from the interests Garibaldi represents, and Republican Flournoy received $5,000. The rest of Garibaldi's contributions — which amounted to $32,850 for Hollywood Park and $33,180 for Wine and Spirits Wholesalers — was spread around as follows: $1,500 to the Assembly Republican Caucus and $1,000 to the Democratic Caucus, $1,500 to Senator Jack Shrade, $1,400 to Senator Alan Short, and $1,250 to Senator Song.

Paul deNio, lobbyist for California Beer Wholesalers, contributed to several incumbent campaigns, including $500 each to those of Chairman Ralph and Vice-Chairman Holoman of the Assembly Governmental Organization Committee, the committee handling alcoholic-beverage legislation.

Anthony Kennedy, representing the California Association of Dispensing Opticians, gave $1,000 each to Democratic Senators Zenovich, Walsh, Wedworth and Short, Democratic Assemblymen Ralph and Moretti and Republican Brian Van Camp for secretary of state.

Walter Kaitz, advocate for California Community Television (cable TV), gave $2,000 to Senator Dills, and $1,000 each to Senators Mills and Alquist and Assemblymen Karabian and Moretti.

Donald Kent Brown, advocate for Howard Hughes, gave modest amounts to Mills ($500), Alioto ($200), Moretti ($500) and numerous local candidates for supervisor and county assessor in Los Angeles and Orange Counties, — in all, $21,450 on behalf of Hughes.

Jefferson Peysor, Wine Institute lobbyist, contributed to a long list of legislators, favoring Assemblymen Garcia, Stiern, Carpenter, Brown, Powers, and Foran. Members of the Assembly Governmental Organization Committee, which considers alcohol legislation, received a total of $7,250 from liquor interests.

Candidate-to-candidate

Sometimes a candidate finds personal campaign funds better spent on needy colleagues. In the first six months of 1974, legislators in California spent more than $60,000 on each others' campaigns. Many of these can now be understood in terms of the Assembly speakership race, after Speaker Moretti's unsuccessful gubernatorial bid, between Assemblyman Willie Brown and Leo McCarthy of San Francisco, who eventually succeeded Moretti. Brown gave $15,770 to fellow Assemblymen, $8,000 of it going to Moretti; Assemblyman Sieroty gave $3,200; Assemblyman Ken Meade spread around $4,450 ($1,000 of it to Moretti); McCarthy, $3,000; Norris, $5,100; and Assemblyman Jack Fenton gave $5,000 to Moretti.

The continuing jousting to unseat Mills as president pro tem of the Senate benefitted Omer Rains, the newest senator, who received $3,000 from Mills and $2,000 from Mills' rival, Zenovich. Assemblyman Berman received $3,476 from Assemblyman Waxman.

Ken Hall, former deputy in the Department of Finance and a Republican candidate for the 34th Assembly district, received the only noteworthy contributions from executive staff personnel — $275 from Don Livingston in Reagan's office and $200 from his former boss, Finance Director Verne Orr.

Bipartisan nucleus

In their efforts to cover all bases, lobbyists and major donors often list minimum contributions for as many as 45 legislators. The "roster" of incumbents who have earned a routine $150 to $200 by their standing in the Legislature is not altogether standardized but certainly indicates the favorites of major donors and lobbyists.

In the Senate, the legislators most frequently receiving these contributions include Moscone, Robbins, Song, Dills, Biddle, Stull, Mills, Holmdahl, and Carpenter. In the Assembly: Seeley, Carter, Keene, Chappie, Powers, Boatwright, Knox, Meade, Miller, Bee, Foran, Papan, Brown, Priolo, Russell, Cullen, Quimby, Wakefield, Holoman, MacGillivray, Bill Greene, and Garcia. New Speaker Leo McCarthy is notably absent.

Candidates are not required to report their prompt rejection of any campaign contribution, though such an act can be politically advantageous. Jerry Brown, for example, sought to bolster his image as a political reformer by publicly rejecting $20,000 from Devonshire Coverage Corporation, an insurance company, $21,000 from Perta Oil, and $1,000 from Dow Chemical. Assemblyman Willie Brown also returned a contribution from the California Automobile Wholesalers Association, aside from funds offered by the League of California Milk Producers.

Imperfect view

Despite these glimpses of the flow of political money that the mass of new disclosure data can thus be made to yield, overall the view remains clouded. There are, apparently, limits to what campaign statements can be expected to reflect in terms of *why* a contribution was made, and even of *how* and *where* it was spent and, even less, of *what* political cause it ultimately served (if any). One thing is clear, however: Such devices as campaign-reporting front organizations — whatever their practical value in running campaigns — continue to shield more than they reveal to the public of their political purpose.

In a sense, the most remarkable thing about the massive documentation so dutifully filed remains not how much it shows but how little. Even more detailed statements will be required next year as Proposition 9's provisions come under test for the first time. It remains to be seen just what the new mountain of material can be brought to bare. This "problem" of abundant campaign-finance data is one, it should be noted, that few other states are even about to confront. And a very few years ago, it was beyond the realm of realistic contemplation in California.

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PROPOSITION 9: The local-government loopholes

By NANCY BOYARSKY

It was a brilliant Southern California summer weekend. In one of the affluent canyon neighborhoods north of Beverly Hills, the Decter family's home nestled around its inviting front-yard swimming pool. Privacy from intruders was guaranteed by carefully placed fences, trees and shrubs. But the pool was ignored and empty. In the house, the Decters had more important things to do. Betty, a painter, and Gerald, a mannequin manufacturer, are citizen activists; their enthusiasm for local government borders on the fanatic.

While few in number, people as driven and dedicated as the Decters can be found all over California. They represent a tiny faction that worries about its surroundings and understands the influence of local politics. They think about saving what remains of the natural beauty of the Santa Monica Mountains several miles away. Most of all, they want to stop the "giveaway" to land-developers that has been part of city and county government since California was settled.

A handsome couple in their forties, the Decters are able to laugh at themselves a little. "Doing this year after year," explains Betty Decter, "turns you into the worst kind of cocktail-party bore. You see people's eyes glaze over when you approach." Despite this insight, she can't understand how people can be bored with the Decter's mission in life — getting rid of their city councilman. To them, Los Angeles City Councilman Louis Nowell is part of the politician-developer conspiracy that is ruining their city. They tried to defeat him in his last reelection campaign. Failing there, they began looking into his campaign finances. When they spotted inconsistencies and omissions in his campaign-finance reports, they took their findings to the city attorney and the district attorney.

The Decters' fight to get local agencies to take campaign-law enforcement seriously is typical of the horror stories that helped pass Proposition 9, the campaign-reform initiative on the 1974 June ballot. The Decters made over 30 calls to government agencies over a five-month period before action was taken against Nowell. Neither Los Angeles City Attorney Burt Pines — recently elected as a reform candidate — nor District Attorney Joseph Busch would prosecute. "We were told they didn't like to prosecute these kinds of things," said Betty Decter. Finally, intervention from the state attorney general's office triggered action. The district attorney's office charged Nowell with failure to report some campaign contributions and expenditures. As a result, Nowell pleaded *nolo contendere* to improperly reporting $19,500 in contributions gathered at a 1972 testimonial dinner aboard the Queen Mary. Fined $500 and given a year's probation, he returned to his well-entrenched post at City Hall. After all their hard work, the Decters felt that he had gotten off too easily.

The author, a Los Angeles free-lancer writer, contributed the article on campaign managers in the May issue.

Neglected stepchild

On January 1, 1975, the new law created by Proposition 9 will take effect. Will it relieve people like the Decters of the unpleasant and unwelcome task of keeping tabs on city and county political campaigns? Not likely. For local government — which has more to do with how Californians live day-to-day than state government — is the neglected stepchild of the campaign-reform measure.

What the law could mean at the state level has been well publicized. If it holds up under court challenges, if it is strictly enforced, if it works, it will force big, special interests to admit their role in governing the state. This will happen through strict campaign-finance disclosure, conflict-of-interest prohibitions, careful control of lobbying, and strict limits on the initiative process, removing it from the grasp of big-money operators. The law's main goal is to help citizens spot and throw out elected officials who favor their campaign contributors over the public. Especially promising are potential penalties — big fines and loss of office — for politicians convicted of hiding gifts and contributions.

But just as important is what Proposition 9 will not do. The main burden of investigating local campaign contributions will still rest on the rare citizen who has the time, drive and financial means to stick to the job.

Enforcement

The wording of the initiative exempts city and county candidates from many of its most stringent provisions. Under the law, local office-seekers must file campaign statements, just as those running for state office. But, while the state Franchise Tax Board will audit statements of state-level candidates, there is no provision for auditing campaign finances on the city and county levels. Local lobbyists are left out of strict rules that apply to the Capitol's legislative advocates. Worse yet, local law-enforcement agencies — even when they are eager to do a good job — face a crippling lack of funds for additional prosecutors and investigators to follow up the new law. Although there will be an independent statewide commission with the power to review campaign records at any

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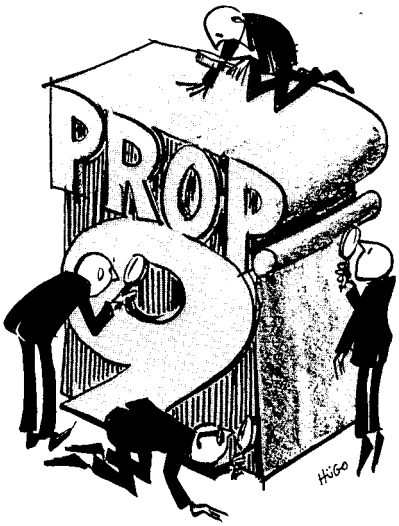

level, it is doubtful that it will be able to do more than occasionally spot-check the thousands of statements that will be filed by local politicians in heavy city-county campaign years.

As a result, it appears that the same thing may happen to this law on the local level that happened to strict campaign measures passed in the last two years by San Francisco and San Diego. Despite publicity about a new era in politics, enforcement of these laws has bogged down in local law-enforcement agencies. There have been no convictions in either city. Investigation and follow-up is either superficial or nonexistent. Although many infractions have been reported in San Diego, only one politician has been prosecuted, and that case was opened only after an alert citizen had complained (although other possible violations are now reportedly being looked into). In San Francisco, the law is all but forgotten; with the district attorney's office relying on citizen complaints instead of its own investigations, enforcement is meaningless.

Even as the Decters were hassling law enforcement agencies, some local officials were beginning to study Proposition 9. In the months ahead they will have the job of preparing to carry out their role under the new law. On close reading, the problems of enforcement at the local level are beginning to emerge. Some of them seem to hint at potential trouble on the state level:

Lack of local auditing. Under Proposition 9, only candidates required to file with the secretary of state's office will have their statements audited by the Franchise Tax Board. These are candidates for statewide office, superior court, state Legislature, Board of Equalization, Democratic and Republican state central committees. Others, such as mayors, councilmen, city attorneys, municipal court judges, county supervisors — the vast majority of elected officials in California — must file with their own county clerk or city elections officer.

The Franchise Tax Board will not audit statements of local candidates. As it stands now, probably no one will. Few people understand this. In fact, Leonard Pannish, Los Angeles County's registrar of voters, expressed surprise when told that the Franchise Tax Board would not be performing the audits. He explained that his office had added a few positions but, he said, their function was to "review" campaign-finance statements. "We check to see if they have filed, if they have filed on time and to notify them if they have not — finally, to report apparent violations," Pannish said. But the figures on the statements are not checked to see if they make sense or add up; the names and addresses of contributors are not checked to see if they exist. "We make sure that they're filled out — without passing judgment," said Pannish.

Lack of personnel. How important is auditing the statements? The deputy city attorney of one major city explained that it is essential to enforcement of the new law. What good are campaign statements if they are not accurate, comprehensible and reliable? "If local law-enforcement agencies read Proposition Nine closely," he said, "they're going to have to have an audit function to do a good job. City and county clerks will be derelict if they do not have sufficient audit function to make sure [politicians] comply." But, he observed, with the local elections clerk's present staff, investigation and auditing would be impossible. Adding the staff to do it will be up to the discretion of city councils and county supervisors, who have traditionally tried to discourage anyone from looking into their campaign finances. For example, in 1973, it was discovered that the Los Angeles County supervisors forced any citizen asking to look at campaign records to fill out a form telling his name, address, and reason for looking at the file. Furthermore, the head of the supervisors board kept a list of people using the records. Embarrassed by publicity, the supervisors ended this intimidating practice. Their anti-public attitude was summed up by one supervisor: "If someone is snooping or going to dig out dirt, we should have knowledge that this is going on and be told the person involved. If a newspaper or citizen is looking into campaign funds, I'd like to know, so I can learn the motive."

Exemption of local lobbyists from stiff regulation. The law forbids gifts and contributions from lobbyists to government officials, but the language specifies only gratuities to the "state candidate and elected state officer."

Since many lobbyists work city and county government, this might seem an oversight by the drafters of the reform initiative. They maintain that it was not. Robert Smith, a spokesman for Common Cause, said it was done deliberately because lobbying works differently on each level of government. He explained, "For us to do a study of local governments and try to figure out how each works — it's an enormous task." It is true that there are few lobbyists, as such, in less populous cities and counties. However, they abound in the big cities. Los Angeles, which requires its lobbyists to register, reported 398 legislative advocates in the first quarter of 1974, about half the total registered to lobby state government.

But the role of lobbyists at the local level is different from what it has been in Sacramento. They do not usually directly entertain or contribute to office-holders. Their indirect mode of operation may become part of the state-level lobbying process once the new campaign law goes into effect. For example, in recent Los Angeles City Council elections, the majority of the council received campaign contributions guaranteeing Occidental Petroleum Corporation a sympathetic ear. The contributions did not come — as in many state races — from the corporation's lobbyist. Instead they were given by an attorney retained by Occidental. Under this system, someone else was the lobbyist. The attorney didn't usually give directly, but was still able to exert influence by representing a firm known to be a generous campaign contributor. The strategy paid off. In 1972, when Occidental wanted to test-drill for oil in Pacific Palisades, the councilmen who had received donations from the corporation voted to let it drill without having to file an environmental impact re-

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port. (The reasoning was that the tall drilling rig was temporary and would have no impact on the beachside site. Local residents disagreed. The drilling has been held up pending a court decision.)

Lack of enforcement staff. The statewide Fair Campaign Practices Commission created by the new law will be automatically given $1 million a year in funding, but local enforcement agencies will have to scramble for funds. They are already having trouble persuading government to provide money for new campaign-law-enforcement units. This principle can be seen in the Los Angeles city attorney's office. Here campaign law is delegated to Chris Funk. Like City Attorney Pines, Funk is a youthful lawyer who looks as though he would be as much at home on a hairspray commercial as in a court of law. Although he is the only staff member working on campaign-law enforcement, Funk has other assignments that take up two-thirds of his time. His phone rings constantly with job applicants for the special programs he handles. Between long phone conversations, he talks about his concern for doing a good job in carrying out the campaign-reform law. During the last election, he said he tried to audit campaign statements himself to be sure that candidates "superficially complied" with existing laws. "But next year, it will be prohibitive," Funk continued. "The number of candidates will be a hundred or so." He hopes the City Council will vote money for one more deputy city attorney and for additional staff in the city clerk's office. But he isn't at all sure that it will.

Even less promising is the situation at the Los Angeles district attorney's office. An additional staff of eight was requested in 1974 to enforce current campaign law. Predictably, the county supervisors refused to grant the money. Neither San Diego nor San Francisco district attorneys — with their strict local laws — have special staff for enforcement, though San Diego has three deputy DAs who reportedly are spending part of their time in this field.

Different story

Even at the state level, money for auditing and enforcement has to be voted by the Legislature. Attorney General Evelle Younger at a recent campaign press conference introduced a tall, serious man, John Gordnier, as the head of his election-law enforcement unit. Further questioning revealed that he is the only regular staff member of the unit. "We have assigned on part-time, or need, seven additional attorneys plus two investigators," Gordnier said. "That means they are available to help me with legal problems, such as challenges to Prop Nine." Is it enough staff to enforce the law for all state elections? Earlier in the year, Gordnier had said that to do the job right, "we may have to utilize fifty people." At that time, he had hoped for two full-time investigators for the unit and a staff of four attorneys.

Now the story is different: The state Fair Political Practices Commission will have some of its own lawyers. "So far it's best with one person and a group of people he can consult," he concluded.

Getting extra money to enforce the law looks more likely at the state level, where publicity about refusal to implement the law by underfinancing its enforcement might be embarrassing to legislators. But at the local level, the task of getting politicians to provide money for additional staff seems unlikely. This is especially true when the law does not specifically require enforcement personnel.

When law-enforcement agencies — state or local — fail to act, Proposition 9 offers a bounty to citizens who bring successful civil suits against law-breakers. Civil action was possible under the old law, which offered $1,000 to anyone who could prove that a politician had broken its provisions. There is no record of such a case's having been filed, however. Now the bounty will be $10,000, or three times the amount of the contribution not reported, whichever is higher. The law also will provide legal costs — if citizens win.

Losing is another matter. One attorney doubted that many individuals would be able to afford the risk. "Once you file suit," this attorney observed, "you can't tell what you're going to get into. Attorney time costs $50 to $75 an hour. Unless you have an attorney willing to donate his time, costs would essentially be prohibitive . . . unless the citizens are also attorneys." Public-interest law centers, handling citizens' suits free, might provide an answer. But to preserve their tax-free status with the federal Internal Revenue Service, these centers must keep clear of political activity. Filing suits against politicians might prove tricky.

"Tunnel vision"

Does all this mean that local political campaigns will be allowed to continue as before, with no one keeping tabs on who backs a given candidate — and how the backers are treated after their candidate wins? Betty and Gerald Decter don't know. They supported Proposition 9, but were too busy with their own projects to study its implications. This much they have concluded: "The people who put Prop Nine together," said Betty Decter, "had tunnel vision. I see the local level as being the most important. They see the state level as the most important."

But, according to Common Cause spokesman Robert Smith, "There's just so much you can bite off. In the vast number of local communities, the amount of money spent is negligible — the *vast* number. I'm not convinced how far short the commission will fall with its $1 million budget."

Smith — like the initiative's other proponents — turns defensive at the suggestion that the new law has loopholes through which California's local candidates can slip. "Everyone is just making suppositions," he maintains. "No one will know until it goes into effect. We felt the state races had the greatest influence because they spend the greatest amount of money in the state." Then comes the catch: "In terms of local government, it will have to be done locally."

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The task-force report Reagan didn't buy

In the parlance of Ronald Reagan's former profession, the report of the Governor's Task Force on Local Government Reform hit the cutting-room floor. The document is available for anyone who cares to read it, but it was issued without the imprimatur of the Governor, Lieutenant Governor Ed Reinecke (who was supposed to have supervised the study) or, for that matter, any high-ranking member of the administration. The report, which originally was to have been released for legislative consideration early this year, was transmitted six months late by Robert De Monte, director of the state Office of Planning and Research, to the Council on Intergovernmental Relations for a decent burial.

For months, the Governor's office had been struggling with the problems of how to handle the report, which most of all represented the philosophy of the task-force chairman, Robert B. Hawkins Jr., previously director of the state Office of Economic Opportunity. The $270,000 study concluded that the existence of so many units of local government in California is an asset rather than a liability. Reagan's own preference — that local government be streamlined, perhaps through a merger of counties — was rejected. Two members of the task force, retired Pasadena City Manager John D. Phillips and retired Alameda County Administrator Earl Strathman, were not sympathetic with the Hawkins philosophy but elected not to file a minority report after getting word that the cabinet was not about to embrace the majority finding.

Before releasing the study, the governor's office submitted copies to the League of California Cities and the County Supervisors Association. These local-government organizations were highly critical of the report but found one major element of agreement — the contention that the federal and state governments had been preempting too many local-government functions , thereby eroding the principle of home rule. The report was a major disappointment to key members of the Governor's staff, including executive assistant Ed Meese and programs and policy aide Don Livingston, who had experience in local government. They had hoped that the task force would develop a plan for long-range reorganization of local government that could be presented to the Legislature and receive a reasonably warm welcome. Livingston said that the report was given the unusual low-key treatment because "we weren't sure they did all the research necessary to support some of the conclusions."

Had the Governor given the report strong support and unveiled it in theatrical manner, Hawkins' recommendations would not have seen the light of day in the Legislature, which wants fewer units of local government, not more. Assemblyman John T. Knox, the Legislature's leading local government specialist, paid no attention to progress of the study after learning the direction Hawkins was heading. As reported in January's *California Journal* ["Reagan task-force surprise," page 28], these are the major points contained in the 76-page Hawkins report:

- The issue of too many governments has been exaggerated. The figures are illusory. Although technically there are 4,703 units of government, 1,770 of these are subsidiaries of other governmental units and 196 are inactive. That leaves only 2,782 real units.
- The public has chosen this type of local government and likes it. There is no evidence that economies of scale are realized through consolidation; nor does increased size produce increased quality.
- Citizen participation (and satisfaction with government) decreases as the size of the governmental unit increases.
- Federal and state intervention has deprived local government of control while increasing administrative costs. Matching-fund programs have virtually forced local government to accept money, but it has also forced some agencies to raise taxes for projects that might otherwise not have been undertaken (while desired local programs were curtailed).
- No alternate set of county boundaries would, over the long run, necessarily be any better than the present ones. There is no need for regional governments, or even for integrated plans for each region.
- The state should be prohibited from passing costs on to local government. Local taxes should be revised with the fee-for-service concept expanded, and a flat-rate income tax should be considered as a replacement for part of the property tax. There should be much more local control over various federal and state "partnership" programs, and Washington should not be allowed to send funds directly to local government.
- Local Agency Formation Commissions, which now can approve or veto proposed new units of local government, should be weakened, and special districts should be represented on the commissions. A system should be enacted to provide for the division of present cities and counties.
- Regional problems should be solved through voluntary cooperation within councils of government (COGs), with special districts as full partners.
- Local government should be encouraged to contract for services with private industry. Jobs should be filled by competitive examination, eliminating promotional examinations limited to those already employed in a jurisdiction.

The report consistently takes the view that the lower the level of government the better, with special districts as the ideal. While this view will not play in Sacramento, it is surprising, in one sense, that the report was so clearly rejected by Reagan. Three of the task-force members and consultants played major roles in the task forces that developed the governor's highly publicized welfare-reform and tax-limitation plans. They are Charles D. Hobbs, who has held a variety of administration posts, and Professors W. Craig Stubblebine of Claremont and William A. Niskanen of Berkeley.

While the Hawkins report hit the cutting-room floor in the corner office, it will undoubtedly become a major campaign issue in November — but only in Sacramento County, where voters will decide a proposed new charter merging the City and County of Sacramento into a single government, much like San Francisco's. If Hawkins is right, this is exactly the wrong direction for local government to take in California — and the opponents of the new charter undoubtedly will employ his report in their drive to reject regional government in Sacramento.

Robert Hawkins

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NOVEMBER '74 ELECTION

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California Journal's ballot-proposition analysis

Never in California history have voters faced so many propositions of so little consequence as they will at the November 5th general election. The laundry list of 17 measures includes only one initiative – a proposal designed to stop construction of New Melones Dam on the Stanislaus River (and even enactment of this proposition won't necessarily block the project, which has been authorized by the federal government). Most of the other measuresn placed on the ballot by the Legislature, involve either non-substantive revision of the state Constitution or tinkering with it. Of these, perhaps the most important would give the Legislature, instead of the UC Regents, control over tuition at the University of California. (Another would shorten terms for Regents from 16 years to 12.) The ballot also will contain one non-controversial bond issue, a modest $150 million for school construction, and a measure repealing the vote-of-the-people requirement for public-housing projects.

In short, if the voters passed all or none of the 17 propositions there would hardly be a change in the quality of life in California or its system of government.

1 SCHOOL BOND ACT.

This measure provides for a $150 million bond issue for construction of public schools.

Over the past 22 years, Californians have voted about $2.2 billion in state general-obligation bonds to provide loans and grants for school districts unable to raise enough money to meet their classroom construction needs. Proposition 1 would continue that program by offering two types of loan:

- Up to $50 million in loans for districts required to reconstruct or replace buildings that do not meet state earthquake-safety standards.
- $100 million (plus any unused portion of the $50 million) for districts that are experiencing high enrollment growth and are bonded to capacity. The cost of repaying these bonds is usually divided about equally between the state and the local districts.

Legislative Analyst A. Alan Post estimates that the interest cost on the $150-million bond issue will be about $78 million over a 20-year repayment period. Present law prohibits the use of unsafe classrooms after June 30, 1975, and the $150 million is designed to help districts meet that deadline. Districts must supply from 20 to 75 percent of the cost of each project, depending on their wealth, before becoming eligible for state loans.

The measure has no organized opposition.

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2 CITY AND COUNTY CHARTERS.

This constitutional amendment would put city or county charter amendments adopted by the electorate into effect without legislative ratification.

Under the California Constitution, a city or county operating under a charter may adopt, amend or repeal its charter by majority vote of the electorate and approval by the Legislature. Charter amendments now have the legal effect of statutes enacted by the Legislature and signed by the governor. Under Proposition 2, they would continue to have this impact but would not be presented to the Legislature for approval — an action that has become routine because the Legislature has never rejected a charter or an amendment. The measure would apply only to the 11 counties and 75 cities operating under charters rather than general law.

There is no organized opposition.

3 EXEMPTION FROM CIVIL SERVICE.

This constitutional amendment would exempt from civil service the chief administrative officer of the California Postsecondary Education Commission and three deputies.

At the June primary election, California voters narrowly defeated (53% to 47%) a measure, Proposition 7, almost identical to this one. The June proposal would have exempted from civil service the chief administrative officer of the new state Postsecondary Education Commission and five deputies. It was the only proposition on the June ballot rejected by the voters. Shortly after that measure was defeated, Assemblyman John Vasconcellos of San Jose moved successfully to put a similar plan — with the number of exempt deputies reduced from five to three — on the ballot in November.

The commission, established on April 1st, is the successor to the Coordinating Council for Higher Education. It is charged with coordinating higher-education planning and providing information and recommendations to the Legislature.

Vasconcellos feels that it is necessary to exempt these positions so that the commission will attract the best possible personnel and be able to deal effectively with the Legislature, the University of California and California State University and Colleges, all of which operate with staffs that are totally exempt from civil service. The previous commission, he emphasized, could not carry out its responsibilities effectively, and a key to its successor's ability to function as intended will reside in a capacity to hire individuals who can do the job.

Assemblyman Robert H. Burke of Orange County, an opponent, claims that bringing the matter before the voters again so soon "is an arrogant display of the disregard of the people's wishes." Burke has no quarrel with the content of the measure, he said, but the issue and opposition arguments have not changed. In the primary campaign, opponents claimed that granting the exemptions would have the effect of undercutting the civil-service system and turning the employees into "political appointees" with inflated salaries.

4 UNIVERSITY OF CALIFORNIA REGENTS.

This constitutional amendment would reduce terms of University of California Regents from 16 years to 12 and revise the board's membership.

The University of California Board of Regents now consists of 24 members. Sixteen are appointed by the governor for 16-year terms, and eight serve because of other offices they hold. These *ex officio* members are the governor, lieutenant governor, speaker of the Assembly, the superintendent of public instruction, the president of the UC Alumni Association, the president of the University, the president of the state Board of Agriculture and the president of the Mechanics Institute of San Francisco. This measure would add one member, making 25 Regents, and authorize the addition of two more members. The number of gubernatorial appointments would be increased to 18, and the number of *ex officio* members would be reduced by one, to seven. In addition, the Regents would be given the option of adding one faculty member from a California institution of higher education and one UC student. These two Regent-appointed members would serve for no less than one year. The vice president of the Alumni Association would be added as an *ex officio* member, and the presidents of the Board of Agriculture and the Mechanics Institute would be dropped. Terms of the 18 gubernatorial appointees would be

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reduced to 12 years, and the governor would be required to consult with a new 12-member advisory committee before making appointments.

Senator Albert S. Rodda of Sacramento, author of the measure that placed Proposition 4 on the ballot, claims that the changes would strike an appropriate balance between increased public participation in University affairs and the need to keep the institution free from unwarranted political interference. Rodda emphasized that the governor would retain a right to appoint Regents, subject to Senate confirmation, and that all elected officials now on the board would continue to serve. The other changes, such as shortening the terms, are designed to make the Regents "more responsible and reflective of the interests of a rapidly changing California," according to Rodda. A key provision provides that the board membership reflect the economic, cultural and social diversity of the state, including ethnic minorities and women. (In the past, the board has generally been controlled by wealthy individuals connected with some of the state's largest corporations.)

Proposition 4 results from a year of hard bargaining between legislators and University officials. It is supported by UC President Charles J. Hitch.

One of those not satisfied with the compromise is Senator John Stull of San Diego, who approves of shortening the terms of Regents but does not approve the changes in *ex officio* membership. Stull feels that adding the second alumni representative, removing agriculture's representative and possibly adding student and faculty members with full voting privileges will make the board less responsive to the taxpayers. "Why should alumni be so over-represented at the expense of California's number one industry, agriculture?" he asked.

5 RESIDENCE OF LOCAL-GOVERNMENT EMPLOYEES.

This constitutional amendment would prohibit charter cities and counties from requiring their employees to live within their boundaries.

Under current state law, local governmental agencies cannot require their employees to reside in the city, county or district in which they work. But this law does not apply to charter cities because the state Constitution gives charter government the right to decide whether workers must be residents of the jurisdiction. This measure would prohibit such regulations but would allow local government to require employees to live within a reasonable distance of their place of work. Among the charter cities with some form of residency requirement are Alameda, Compton, Inglewood, Los Alamitos, Merced, Porterville, San Bernadino, San Francisco, Santa Monica, Stockton, Torrance and Vallejo.

Assemblyman Howard L. Berman of Los Angeles, sponsor of Proposition 5, cites five reasons why the measure should be enacted: It will eliminate discrimination against those working for these few cities; it will insure that local government can hire the best qualified workers; it will keep the political spoils systems out of local government; it will end an unreasonable restriction on an individual's freedom of choice; and it will eliminate problems of deteriorating services resulting from the residency requirement. Berman's argument is supported by Police Chief Edward Davis of Los Angeles.

The official opposition argument, signed by Mayor Tom Bradley of Los Angeles and two legislators, emphasizes that the measure would establish a "superclass" of public employees willing to accept all the benefits of employment but unwilling to share the responsibilities of the residents who employ them. The opponents claim that public employees should be fully familiar with the social, economic and cultural problems of the community in which they work — and shoulder the same tax burdens. "The desire of firemen, for example, to live closer to moonlighting opportunities than to the people who employ them is understandable," the opposition argument states, "but should not be guaranteed by the Constitution."

6 PROPERTY-TAX EXEMPTIONS.

This constitutional amendment would conform the state Constitution to the homeowner property-tax exemption law now in effect.

In 1972, the Legislature increased the homeowner property-tax exemption to $1,750 of assessed value ($7,000 market value). But the Constitution still sets the minimum exemption at the 1968 level of $750. This proposal would freeze the additional $1,000 into the Constitution. The measure will allow the Legislature to increase the exemption — but not decrease it without a vote of the people. It will also require that renters be given a comparable benefit.

Senator Nicholas C. Petris of Oakland, sponsor of Proposition 6, claims that such a measure is needed to assure that the Legislature cannot, in effect, raise taxes by more than $300 million a year simply by reducing the exemption back to $750.

There is no organized opposition to the measure.

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7 STATE BILL OF RIGHTS.

This constitutional amendment would streamline and clarify the bill-of-rights article of the state Constitution.

This measure contains most of the recommendations of the state's Constitutional Revision Commission for rewriting of the bill of rights (Article I) of the California Constitution. Enactment of Proposition 7 would have no substantial effect on citizen rights, and there is no organized opposition.

The measure would delete obsolete provisions, clarify existing law, reiterate some rights granted in the United States Constitution, spell out rights of a person accused of a crime, slightly revise the procedure for taking property by right of eminent domain, allow the Legislature to authorize a county to convene more than one grand jury a year, and delete details of criminal law that would be inserted instead in the statute books.

Judge Bruce Sumner, who served as chairman of the revision commission, argues that the proposal will help modernize and shorten the Constitution, while clarifying and strengthening the statement of citizen rights in the state's basic legal document.

8 TAXATION.

This constitutional amendment would streamline the article in the state Constitution dealing with taxation by state and local governments.

Some 8,200 words would be eliminated from the state Constitution through enactment of this measure which, like Proposition 7, is sponsored by the Constitutional Revision Commission. Proposition 8 deletes obsolete provisions, clarifies wording, eliminates unneeded words, and reorganizes Article XIII more logically. It also makes a few minor changes in the law regarding the property-tax exemption for a totally disabled veteran, the religious exemption, taxation on trees, levying a statewide property tax, and elimination of the tax on any property of so little value that collecting costs more than the revenue produced.

Proposition 8 was put on the ballot by the Legislature with only one dissenting vote. Judge Bruce Sumner, chairman of the revision commission, maintains that the measure will have no substantive effect on the state's tax structure, but will simply make the Constitution more readable and workable. There is no organized opposition.

9 RECALL OF ELECTED OFFICIALS.

This constitutional amendment would revise and streamline state constitutional provisions on recalling elected public officials.

Since the days of Hiram Johnson and the Progressives, California has had laws providing a means for the people to remove a public official through circulation of petitions and a popular vote. Aside from eliminating almost 1,800 words from the Constitution, Proposition 9 would make several changes in the technicalities of recall. Under a proposal designed by the Constitutional Revision Commission, these changes would be made:

- The Constitution now sets no time limit for gathering signatures on recall petitions; a 180-day limit would be established.
- This measure would make all local officials subject to recall rather than just officers of cities and counties.
- Under present law, a recall action cannot be initiated against an official until he has held office for at least six months — or five days in the case of a legislator. This proposition would eliminate such grace periods.

Assemblyman Barry Keene of Eureka, a former attorney with the revision commission, is the main author of Proposition 9. He argues that it retains all the basic rights of recall but clarifies the Constitution's provisions and transfers technical details to the statute books. The elimination of the grace period, he emphasized, will strengthen the public's right to recall unprincipled or unresponsive representatives.

It is somewhat ironic that this measure was given the number "nine". The key plank in the opposition argu-

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ment submitted for the *Voters' Pamphlet* by Senator John Stull of San Diego County and Assemblyman Mike Antonovich of Glendale was ordered removed from the official pamphlet by a Sacramento County Superior Court judge as false and misleading — under a provision of Proposition 9 adopted by the people at the June election. Judge William Gallagher ruled against their arguments that the measure would remove protections from the people by weakening recall and give the Legislature a "blank check" insofar as its own members were concerned. Gallagher let stand, however, the argument that details of the recall process should remain in the Constitution, where they cannot be changed by a vote of the Legislature.

10 EX-FELONS RIGHT TO VOTE.

This constitutional amendment would allow Californians convicted of crimes to vote after completing parole.

Under a provision of the state Constitution untouched since the original document was drafted in 1849, persons convicted of infamous crimes, embezzlement or misappropriation of public funds are barred from voting. Until 1966, an "infamous crime" was interpreted to mean any felony, but in that year the state Supreme Court ruled that it applied only to those persons whose crimes made them a potential threat to the "integrity of the election". The court did not catalogue what felonies fell into that category, a definition that has been left to the counties' registrars of voters.

Proposition 10 is an effort to clarify the voting rights of criminals (and, to a lesser extent, of the mentally ill) and to eliminate confusion created by a series of federal and state court decisions. It would provide for the disqualification of a person while mentally incompetent or imprisoned or on parole for the conviction of a felony. Convicted felons would automatically be able to vote upon expiration of their parole periods. And voting rights would be restored to anyone who recovers mental health after having earlier been adjudged insane.

Assemblyman Julian Dixon of Los Angeles, author of Proposition 10, claims that it is unfair for two Californians who have committed an identical crime to have different voting rights, depending on the policies of the counties in which they live. Uniform application of the law is desirable, he argues, to restore the "fundamental right" of franchise throughout the state. Historically, the proponents maintain, the exclusion of ex-felons was based on the need to prevent election fraud, but the modern voting process provides sufficient safeguards and loss of vote is not necessary to prevent ex-convicts from corrupting elections. Dixon also argues that a felon has fully paid the penalty when he or she is returned to society and should not be further penalized through deprivation of the right to vote.

In rebuttal, Assemblyman John Briggs of Orange County countered that the United States Supreme Court has reasserted the "fundamental" right of the citizenry to bar ex-felons from voting. "Denial of the vote to convicted felons is a deep-rooted tradition in this country and as much a part of discipline as imprisonment," he argues. Defeat of the measure, he adds, would strengthen respect for the law and provide society with one more weapon against crime.

11 MASCULINE AND FEMALE GENDER.

This constitutional amendment would eliminate masculine terms in the state Constitution.

At present, the state Constitution uses masculine words like "he" and "his" to refer to both men and women. This proposal would replace these terms with sexually neutral wording. "Work*men*'s compensation" would become "workers' compensation", for example; "chair*man*" would become "presiding officer"; "Congress*man*" would become "representative in Congress". The amendment would otherwise make no substantive change in the Constitution. Its sponsor, Assemblyman Alan Sieroty of Los Angeles, feels that it should be enacted to recognize that men and women have an equal opportunity to participate in the political process.

The ballot-pamphlet argument against the measure was submitted by Timothy D. Weinland, a Sacramento law student, who sees no reason to change the Constitution to recognize equal rights because the use of the masculine words to denote both sexes is accepted standard English usage. He emphasizes that attitudes of people and substantive laws need be changed — not language — to eliminate discrimination against women.

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12 PUBLIC UTILITIES.

This constitutional amendment would shorten and streamline the Constitutional provisions on the regulation of public utilities.

Article XII of the state Constitution, dealing with the regulation of public utilities, is a tangled mass of words containing inconsistent provisions and sections so ambiguous as to be barely understood. Proposition 12, originally drafted by the state's Constitutional Revision Commission, would eliminate 80 percent of the verbiage and make the article more comprehensible. The measure states clearly that no substantive changes in law are intended by the proposal, which has no organized opposition.

13 SAN DIEGO JUDICIAL DISTRICTS.

This constitutional amendment would allow the City of San Diego to be divided into two judicial districts.

This is a measure that affects only San Diego County but must be put to the state's voters because detailed provisions of the California Constitution prohibit a city from being divided into more than one municipal court district. Assemblyman Wadie P. Deddeh of Chula Vista proposed this proposition so that the southern tip of the City of San Diego could be combined with surrounding municipalities in that part of the county into a single judicial district. Deddeh justifies the change on the ground that the boundaries of the City of San Diego are unique in that the southern tail of the city is connected to the city proper only by a narrow strip running under miles of water. If Proposition 13 is enacted, a new South Bay Judicial District will be created to cover all the territory between Mexico and the main part of San Diego.

Senator Alfred Song of Monterey Park, chairman of the Senate Judiciary Committee, opposes the measure with the argument that it would jeopardize efficient operation of city government, inject politics into the administration of justice and disrupt efficient administration of the courts. Song maintains that the proposal is an attempt by a few politicians and lawyers to establish a separate court in an area now served by the "excellent" San Diego Municipal Court.

14 STATE COLLEGE TRUSTEES.

This constitutional amendment would add the president pro tempore of the state Senate to the State University and Colleges Board of Trustees.

The California State University and Colleges system is governed by 21 trustees. Sixteen are appointed to eight-year terms by the governor (subject to Senate confirmation) and five are *ex officio* members serving by virtue of their office as governor, lieutenant governor, superintendent of public instruction, speaker of the Assembly, and chief executive officer of the university and college system. Proposition 14 would add the Senate president pro tempore, who is elected by Senate vote and serves as chairman of the Senate Rules Committee.

This proposal was sponsored by the Joint Legislative Committee on Higher Education, headed by Assemblyman John Vasconcellos of San Jose. It is designed to give the Senate a representative on the board roughly comparable to the Assembly speaker. The lieutenant governor, who serves as president of the Senate, is really a representative of the executive branch of government, in Vasconcellos' view, and an additional legislative spokesman is therefore needed.

Assemblyman John L.E. Collier of Los Angeles County, who submitted the ballot-pamphlet argument opposing the measure, maintains that the addition of the "pro tem" is arbitrary and unnecessary, and would increase the potential to apply political pressure on the board. Collier adds that the addition of the one senator will not actually put a representative of the people on the Board of Trustees because the president pro tempore is elected only by the 40 senators and not by all Californians.

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15 LOW-RENT PUBLIC HOUSING.

This constitutional amendment would repeal the requirement that every proposed low-rent public-housing project be submitted to the electorate.

In 1950, the voters of California approved an initiative proposition prohibiting the state or any unit of local government from developing, constructing or acquiring a low-rent housing project without approval of the voters of the affected community. Since that time, voters have rejected almost half the proposals submitted to them for a total of about 16,000 housing units. If Proposition 15 is enacted, city councils and county supervisors will be free to initiate projects without obtaining prior approval from the voters. Over the past two decades, numerous attempts have been made in the Legislature to place a proposition of this type on the ballot. This measure, authored by Assemblyman Willie L. Brown Jr. of San Francisco, passed the Senate 57 to 16 and the Assembly 28 to 9.

Brown and other supporters claim that the 1950 initiative places an expensive, cumbersome and unnecessary roadblock in the way of providing decent housing for the estimated 2.5 million Californians eligible to live in federally subsidized low-rent units. More than 80 percent of the low-rent housing constructed in California in recent years, Brown argues, has been built for the elderly, but additional units are needed to house another 300,000 senior citizens. While the federal government pays up to 90 percent of the total development cost of a project, Brown reported, full local control has been required by federal law since 1937. Enactment of proposition 15, Brown asserts, will bring a maximum of federal funds to California, eliminate costly elections, help local officials better meet community needs and create construction jobs, while providing needed housing.

Assemblyman Mike Antonovich of Glendale, a leading legislative opponent of the measure, argues that current law does not prevent local communities from providing rent subsidies or from renting units for the elderly — as long as the property remains on the tax rolls. Enactment of this measure, he maintains, would deprive local residents of their control not only over community development but also over local taxation. According to Antonovich, the plebiscite requirement has not interfered with development of low-rent housing and, in any case, no federal funds are now available. He emphasized that the people ought to retain final authority over these projects, because acts of local governing boards in approving them are not subject to the normal referendum procedures and these proposals should be treated like school and other bond issues, which also require prior voter approval.

16 UNIVERSITY OF CALIFORNIA TUITION.

This constitutional amendment would give the Legislature rather than the University of California Regents the power to determine the level of tuition for UC students.

Under the state Constitution, the Legislature is not empowered to decide the level of tuition or other charges for instructional services at the University of California. The UC Regents decide whether there should be tuition and how much it will be. However, the Legislature does control tuition at community colleges and in the state university and colleges. This measure would transfer authority to set tuition rates at UC from the Regents to the Legislature, but it would not affect non-instructional fees, which the Regents would continue to set. The University now collects about $30 million a year from so-called educational fees, which run from $300 to $360 a year. Students also pay $100 a quarter in registration fees, plus special campus fees for a variety of non-instructional services.

Proposition 16 was proposed by the Joint Legislative Committee on Postsecondary Education, headed by Assemblyman John Vasconcellos of San Jose. He argues that the authority to levy student charges at all public institutions should reside in one body, the Legislature. If the Regents can act independently, he claims, UC charges have an effect on the flow of students to other institutions and, therefore, affect total state educational planning and coordination. Unilateral action could deny access to some students, while others might dip deeper into the state scholarship program, according to Vasconcellos. "Thus, the Regents' action can affect programs and institutions for which they have no responsibility," he argues. Tuition, he maintains, is a form of taxation and should properly be decided by the representatives of the people — namely, the Legislature. The measure, he emphasized, neither backs nor bans tuition, since there is no way of knowing what the Legislature will do from year to year about educational charges.

The opposition, however, is attempting to defeat the proposition with the principal argument that the measure is designed to reduce tuition and thus force state taxpayers to provide more funds for the University. The United Organizations of Taxpayers of Los Angeles, headed by Howard Jarvis, claims that tuition would become a political football if it is thrown into the partisan political arena of the Legislature. Proposition 16, the Jarvis organization states in the ballot-pamphlet argument, "is simply the prelude to another and higher tax raise" because it is the intention of the Legislature to mandate free education at the University and then add the costs to the tax bill of all the citizens.

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17 WILD RIVERS INITIATIVE.

This initiative statute would add sections of the Stanislaus River to the state's wild-rivers system, and is designed to prevent construction of the proposed New Melones Dam.

This proposition — the only initiative on the November ballot — is more a policy statement than a proposed statute. If enacted, it will tell the federal government that the citizens of California do not favor construction of the proposed New Melones Dam on the Stanislaus River and it will tell state resources officials that the public wants to preserve the state's rivers in a wild or free-flowing state wherever possible.

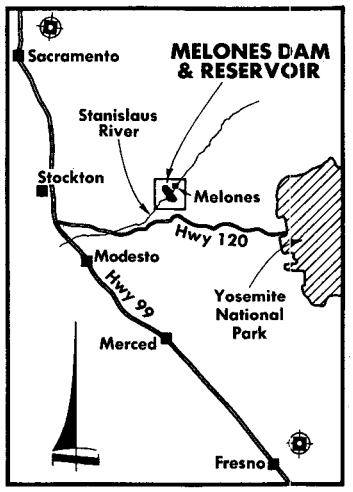
Proposition 17 was placed on the ballot through the efforts of conservation groups that banded together under the name of "Friends of the River". The 325,504 signatures of registered voters needed to qualify the measure for the ballot were gathered by more than 30,000 volunteer petition-carriers, the most in the history of the initiative process in California. It is strongly opposed by the Army Corps of Engineers, which is set to build the dam, and the traditional supporters of water-development projects in California.

In 1972, the Legislature enacted the California Wild and Scenic Rivers Act by Senator Peter H. Behr of Marin County, placing restrictions on the damming of the Klamath, Trinity, Smith, Eel and American rivers. Proposition 17 would add two stretches of the Stanislaus south and east of Stockton to this stream system. One of those stretches — from Camp Nine to Parrott's Ferry — happens to include the site of the proposed New Melones Dam.

This proposition, being an expression of state will, could not directly affect the authority of the federal government to construct the dam, but passage would carry a strong message to Washington about how Californians view the $260 million project. In the past, the Corps of Engineers has never proceeded with a project opposed by the governor of the affected state, and the outcome of Proposition 17 would obviously shape the views of the state's chief executive. Also, the state's official position before Congress would turn to one of opposition to the project, and, under those circumstances, Congress would be unlikely to appropriate New Melones funds.

Friends of the River and other sponsors of the measure call the Stanislaus the most popular white-water recreation river west of the Mississippi. This aspect would be destroyed if the Corps is allowed to pour 62 stories of rock and concrete into the middle of the waterway.

New Melones, if built, would become the nation's second largest rockfill dam. Dennis Vierra, state director of Save-the-Stanislaus, emphasized that the initiative is not designed to prevent construction of a much smaller dam — perhaps one-fifth the size of the Corps' proposal — exclusively for flood-control purposes. He takes issue with the need for a big dam for the storage of irrigation water and production of electricity. The state Water Resources Control Board issued a ruling that Vierra interprets as meaning that the lake behind the dam cannot be filled until there are definite plans for use of the water. Even if filled, he adds, the amount of electricity scheduled to be generated by the project could only produce a few hundredths of one percent of the state's power needs.



New Melones dam site

The proposition is opposed by the Corps of Engineers, which has published a booklet on the measure, by irrigation districts and, in effect, by the state Legislature, which has passed a resolution supporting the dam. Opponents claim that blocking the dam would benefit only a relatively small number of rafting enthusiasts and commercial rafting companies, and point out that the nine-mile stretch in question is not truly a wild river even now because the flow is controlled by two upstream dams. If the nine miles of white water is replaced by a lake, less than five percent of the state's white water will have been lost, according to the opposition, and there would be these benefits: 50 times more recreational use of the area, improved fishing, better spawning grounds for salmon and steelhead, prevention of gravel removal by commercial firms, improved water quality in the San Joaquin-Sacramento-San Francisco Bay system, 430 million kilowatt hours of non-polluting electricity each year, better river access, conservation of water for a demonstrated need, flood control, and preservation of the shoreline along 55 miles of the Stanislaus.

The opponents interpret the state Water Resources Control Board decision far differently than do the sponsors of Proposition 17. They say that there is nothing unusual about the board's saying that the water cannot be stored until contracts have been signed for its use, that this has become standard procedure for water projects in California.

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The downfall of Ed Reinecke

By LEO RENNERT

For Ed Reinecke, the long journey to a Washington courtroom and a perjury conviction began in San Francisco five years ago at a glittering banquet in the St. Francis Hotel. California and Washington luminaries had gathered for an official state dinner to honor visiting South Korean President Park Chung Hee. Reinecke, only recently promoted to the No. 2 state post by Governor Reagan, found himself seated next to Attorney General John Mitchell. Social chit-chat soon turned to matters of political self-interest. A former congressman eager for new conquests, Reinecke readily appreciated the importance of powerful connections.

As President Nixon's top political strategist, Mitchell saw an opportunity to strengthen the administration's position in California. Reagan had tried to deny Nixon the nomination a year earlier, and the White House still looked upon him with some suspicion. The Lieutenant Governor presented no such problems. To the contrary, he assured Mitchell that he could count on him to help Nixon win a second term. He also mentioned his own hopes of becoming an active trouble-shooter for the state in Washington — a man who could bring important federal contracts to California. In pursuit of these objectives, Reinecke asked, who should be his Washington contact? Mitchell, never faulted for loquacity, gave him a two-word answer: "Me — directly."

It was an invitation that the Lieutenant Governor regarded as an "Open Sesame" to the highest councils of the Nixon administration. And he was not reticent about taking full advantage of it.

Washington contacts

After winning a full four-year term in 1970, Reinecke launched into a busy round of Washington trips — and contacts with Mitchell.

On the afternoon of April 26, 1971, he paid a call on the Attorney General at the Justice Department. He told Mitchell that he was in town to promote a loan-guarantee bill to bail out the Lockheed Aircraft Corporation and to seek a big chunk of the space-shuttle program for California's aerospace industry. Politics also entered the conversation, and Reinecke renewed his offer to be of help in the 1972 campaign. He volunteered the assessment that the White House was "way behind schedule" in mustering its forces in California.

The next day, while visiting fellow-Californian Caspar Weinberger, then budget director at the White House, Reinecke met another important administration figure — H. R. Haldeman, Nixon's top assistant. After reviewing Nixon's political standing in California, Reinecke inquired about the state's prospects for hosting the 1972 Republican convention. It was a casual exchange, he later recalled, somewhat on the order of "20 Questions":

REINECKE — How about California?
HALDEMAN — Interesting.
REINECKE — San Francisco?
HALDEMAN — No! Security problems.
REINECKE — Los Angeles? They just finished a convention center.
HALDEMAN — No! Not enough hotels downtown.
REINECKE — Then you must mean San Diego?
HALDEMAN — Possible . . . small city . . . questionable facilities.

Before the day was over, however, what began as little more than a teasing suggestion was transformed for Reinecke into a top-priority project. That evening, he bumped into a delegation of San Diego business and civic leaders at a reception on Capitol Hill. Their city, he found out, indeed had the makings of a serious contender.

Reinecke's challenge

But there was a problem: San Diego officials, who liked the peaceful character of their community, were not eager to host the convention. It also was not certain whether there would be enough hotel space. And could San Diego raise $1 million to submit a bid to the Republican National Committee?

For Reinecke, this was a welcome challenge — a marvelous opportunity to bolster his standing in California and Washington. Reagan had put him in charge of promoting economic development and tourism. Here was a golden chance to attract more visitors, more jobs and more conventions to one of the state's major cities. At the White House, there also would be gratitude. In a statement he later gave to the Watergate special prosecutor's office, Reinecke said he felt that "doing something well for the President is a good sign for the future relationship" and that San Diego "offered possibility of prominent position for ER in convention proceedings."

Back in California, Reinecke threw himself into the task of persuading city and county officials to support the convention. By mid-May 1971, he received word of the first positive breakthrough. The International Telephone & Telegraph Corporation, through its Sheraton Hotels subsidiary, was willing to help underwrite the convention. ITT at first mentioned $200,000, then boosted the amount to $400,000. This was the seed money around which the entire convention-financing package could be built.

Within a few days, Reinecke was in Washington — eager to share this development with Mitchell. The Attorney General, however, was busy and had no time for an appointment. On the afternoon of May 21st, Reinecke stepped into a telephone booth and called him. He told

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The author, Washington correspondent for a chain of newspapers published in Sacramento, Modesto and Fresno, wrote "The change in Senators Cranston and Tunney" in the March issue of the Journal.

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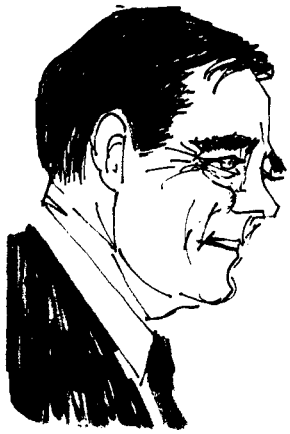

him about preparations for the convention, including the ITT pledge.

Said Mitchell: "Fine. Keep up the good work."

Back in Sacramento, Reinecke called the Attorney General a few more times in early June about how things were progressing in San Diego.

Two months later, on July 31st, the Justice Department announced an out-of-court anti-trust settlement with ITT. In exchange for an ITT promise to divest itself of several small firms, the administration agreed to let the conglomerate keep its prize acquisition — Hartford Fire Insurance Company.

Reinecke drew no connection between ITT's political generosity to the GOP in San Diego and the administration decision to drop an anti-trust suit. Trust-busting was an exotic field of law that held little interest for him. "I am an engineer, not an attorney," he explained at the Senate ITT hearings the following year, "and I can hardly pronounce the word." Reinecke was not alone. At first, hardly anybody else saw anything sinister in ITT's double-track maneuvers on the anti-trust and political fronts.

In late summer, the Lieutenant Governor again flew to Washington. On September 17th, he met with Mitchell at the Justice Department — the second such meeting that year. Reinecke renewed his pitch for the space shuttle, mentioned growing aerospace unemployment in California and floated the idea that a nuclear space rocket might be a fitting way to celebrate the United States bicentennial. He also gave Mitchell another fill-in on San Diego.

Storm breaks

It was not until several months later that the storm broke. Early in 1972, political columnist Jack Anderson disclosed a memo purportedly written by ITT lobbyist Dita Beard that pictured ITT's GOP convention pledge as a direct effort to influence the Justice Department's handling of the anti-trust case. The memo, dated June 25, 1971, said that ITT's backstage maneuvers were fully known only to Nixon, Haldeman, Mitchell, Representative Bob Wilson of Diego, and Reinecke.

The administration was on the spot, threatened by an election-year scandal of major proportions. Mitchell denied having had any advance knowledge of the ITT convention pledge. ITT and the White House joined forces to discredit Beard, who was spirited out of Washington and turned up gravely ill in a Denver hospital. Democrats on the Senate Judiciary Committee began looking for coroborating evidence. Their curiosity quickly turned to an old social friend of Beard — the Lieutenant Governor.

Reinecke paid scant attention to these fast-paced events. There were no storm warnings from a staff that only occasionally rose to the level of mediocrity. Because of an interest in cattle-raising, the Lieutenant Governor was in Missouri learning about artificial insemination of cows when he received the first press query about his involvement in the ITT affair. "Perhaps that had me all shook up," he later mused. "I was there knee-deep in the straw."

Whatever the reason, Reinecke blurted out an account that held devastating implications for Mitchell. Yes, he had met with Mitchell in Washington the previous May and told him about the ITT contribution. On March 2, 1972, and again early the next day, the Lieutenant Governor repeated this story several times in talks with reporters and in a telephone conversation with U.S. Senator John V. Tunney of California, who was demanding that Reinecke testify at the Senate hearings.

Dita Beard, pursued to Denver by White House "plumber" E. Howard Hunt Jr., who was sporting a red wig, was no longer the only witness who could prove that ITT had solved its anti-trust problems with a big political contribution; Reinecke could demonstrate the same point.

Political impact

Yet, it was not until about noon on March 3rd when Robert Mardian, a top Mitchell aide, telephoned from Washington, that Reinecke grasped the full political impact of his statements. Mardian indicated a way out of his predicament: Mitchell's logs showed there had been no meeting with Reinecke in May 1971; the Lieutenant Governor thus could issue a retraction that such a get-together ever took place.

The retraction, however, did not stop there. It also claimed that Reinecke had not discussed the ITT contribution with Mitchell until their meeting in September 1971 — several weeks after the anti-trust settlement. It made no mention of Reinecke's phone calls to the Attorney General in May and June — before the anti-trust decision.

At his perjury trial, the prosecution pictured Reinecke's retraction — partly dictated by Mardian — as the beginning of a deliberate cover-up to protect Mitchell. The Lieutenant Governor acknowledged that he had felt "very bad" about having embarrassed Mitchell with his earlier press statements. But if there was anything misleading in the retraction, he said, it was due to the confusion of the moment.

Seven weeks after the Mardian call, on April 19, 1972, Reinecke stood before the Senate Judiciary Committee and swore to tell "the truth, the whole truth and nothing but the truth." He said that there had been no meeting with Mitchell about the ITT pledge until after the anti-trust settlement.

Repeatedly, Tunney and other Democrats on the committee sought to establish that such a meeting had occurred in May — before the anti-trust decision. Nobody, however, bothered to ask about any telephone calls.

It was only during the last few minutes of the hearing that the interrogation shifted away from "meetings" between Reinecke and Mitchell. A conservative Republican, Senator Hiram Fong of Hawaii, in an apparent effort to stamp out any possibility of scandal, asked if the Lieutenant Governor had "discussed" San Diego with the Attorney General before the anti-trust settlement. Did anything "transpire to" Mitchell before then? Did Reinecke have any "conversation" with anyone in the Justice Department about the ITT pledge before the anti-trust decision?

Reinecke categorically denied that there had been any such contacts. A few minutes later outside the hearing room, he turned to an aide, Edgar Gillenwaters, and expressed amusement that no senator had asked about

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whether he had "telephoned" Mitchell. "I remember remarking that this showed the low quality of the investigation," he told the jury at his trial.

The prosecution said the remark proved something else — that Reinecke deliberately set out to withhold any mention of his earlier contacts with Mitchell.

The ITT hearings left the Judiciary Committee widely skeptical about the veracity of Reinecke and other witnesses, including Mitchell, who swore that he had no inkling of the ITT convention pledge at any time in 1971. At Tunney's urging, the committee asked the Justice Department to undertake a perjury investigation. Months went by; nothing happened. Queries about the status of the probe brought bland assurances that it was proceeding on course. As long as Justice continued to dance to the tune of the White House, it was not likely that any perjury prosecution would materialize.

Watergate's effect

Watergate changed the scenario. On April 30, 1973, a little over a year after Reinecke's appearance at the ITT hearings, John Dean, John Ehrlichman and Bob Haldeman left the White House. Richard Kleindienst resigned as attorney general. His successor, Elliot Richardson, appointed Archibald Cox as special prosecutor and asked him to take over the ITT investigation.

Mitchell was out of power and disgraced.

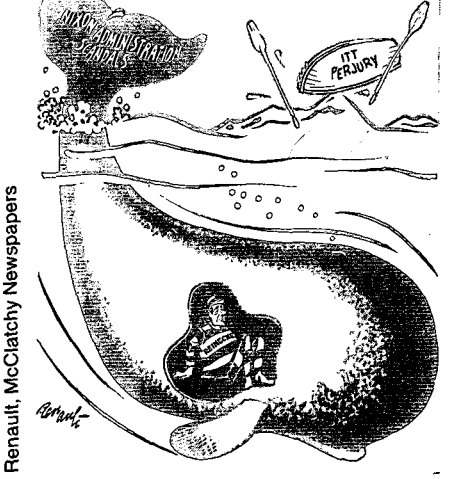
Three months later, Reinecke walked into the special prosecutor's office and offered to tell everything he knew. He turned over two briefcases of documents — eight inches high, the defense and prosecution were to stipulate at the trial — including telephone records of his calls to Mitchell. He was willing to help implicate the former attorney general, his old friend Dita Beard, and the White House. In return, he hoped to get a clean bill of health for his 1974 bid for the governorship of California. His San Francisco attorney, Frank Pagliaro Jr., was confident that they had reached an understanding with the prosecutors.

When the grand jury returned the three-count felony indictment last April 3rd, Reinecke cried foul. A new defense team took over and asked for dismissal of the charges on the ground that the Lieutenant Governor had been promised immunity. But neither Reinecke nor Pagliaro could produce any hard evidence that the prosecutors had, in fact, agreed to such a deal.

Reinecke's new lawyers were aghast. So intent had he been on making a last-ditch effort to salvage his political career by wooing the prosecutors that he had failed to exercise his legal and constitutional rights — and left himself highly vulnerable. By the time the trial got under way, he had volunteered so much information that the prosecution considered him as its most important witness.

The prosecutors actually were in no hurry to go after him. All along, their plan was to come up with a package indictment at the end of the continuing ITT probe — in much the same way that they had brought in mass indictments in the Watergate cover-up and the break-in at the office of Daniel Ellsberg's psychiatrist. But Reinecke, eyes riveted on the governorship, could not wait. He kept badgering Special Prosecutor Leon Jaworski for a decision. Jaworski finally agreed to handle his case separately, and gave the go-ahead for the April indictment.

A month later, former Attorney General Kleindienst became the second public figure to be charged in the ITT case. Unlike Reinecke, however, Kleindienst was not encumbered by political concerns. His sole objective was to get the best possible deal. Jaworski agreed to let him plead guilty to a lesser misdemeanor charge of having



Renault, McClatchy Newspapers

Jonah and the Whale

refused to testify fully at the ITT hearings. His punishment for lying while he was the nation's top law-enforcement officer was a suspended one-month sentence. If Reinecke had only waited instead of forcing the issue, said one knowledgeable source, there would have been no felony indictment — not after Kleindienst.

But it takes two sides for plea-bargaining to work. The prosecution offered to drop the felony charges and let Reinecke cop a misdemeaner plea like Kleindienst. Reinecke refused — even after his defeat in the June GOP gubernatorial primary. He went to trial, stubbornly insisting that he had not lied to the Judiciary Committee.

The defense argued that Reinecke had been confused and tired when he appeared at the ITT hearings after a sleepless overnight flight from California. Reinecke also insisted that he was under the impression that Senator Fong was asking him about "meetings" with Mitchell and that he thus was under no obligation to divulge his earlier telephone calls.

Reinecke sought to portray himself as the victim of multiple conspiracies — an effort by Tunney to eliminate a future political rival, a White House plot to let him take the heat instead of more closely involved presidential aides, and a double-cross by Jaworski.

The prosecution dropped one perjury count, which dealt with Reinecke's failure to tell the Judiciary Committee about Haldeman's mention of San Diego. With Haldeman due to go on trial in the Watergate cover-up case, the prosecutors said it would be inappropriate to press him into service as a witness against Reinecke. U.S. District Judge Barrington Parker dismissed another count dealing with Reinecke's contacts with Mitchell.

But despite repeated defense demands for a mistrial and efforts — frequently overruled — to show that Reinecke was only a minor "fringe" figure in the ITT scandal, the key charge that the Lieutenant Governor had lied when he answered Senator Fong went to the jury. After nine hours of deliberations, the jurors found him guilty of perjury on one of four answers to Fong.

The outsider

After the verdict was announced, jury foreman Clayton Roth drew a picture of Reinecke that matched neither the distracted-"dummy" sketch of the defense nor the harsh portrait of the calculating, eyes-wide-open liar drawn by the prosecution. "He seemed to be a fine person who just happened to get involved in something that got out of hand," said Roth.

Reinecke also emerged as a figure quite apart from the once high and mighty who continue to parade through Watergate proceedings in the same courthouse. They performed their mischief as powerful potentates — the inner guard at the palace. Reinecke was essentially an outsider yearning to get in, and he had to bow out as a clumsy courtier who picked the wrong patron.

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CAMPAIGN '74

GOP after Watergate

Many problems remain, though the prospect of a Republican disaster has dimmed. But will the public pay much attention to the race for governor and GOP nominee Flournoy? Harmer provides conservatives with their only hope.

By ED SALZMAN

The resignation of Richard Nixon may have spared California Republicans from disaster this November, but can the GOP climb from the bottom of the political pit to pull off a three-month miracle campaign that will produce a victory in November? For Governor Reagan, the ascent of Gerald Ford to the Presidency was a personal defeat virtually eliminating any chance of Reagan's becoming the Republican presidential nominee in 1976. It was also a blow to Democratic gubernatorial candidate Jerry Brown, who probably could have won in November without much work had the impeachment process proceeded through October in Washington. Nixon's downfall gives Republican Hugh Flournoy a fighting chance, for some attention may now be paid to the governorship contest in California. Republican nominees up and down the ticket can take heart that the voters may not put a Watergate brand on them all.

With the Nixon albatross theoretically removed, Republicans may now raise a few dollars and start developing enthusiasm among once-loyal Grand Old Party workers. But Republicans will be making a serious miscalculation if they figure that they now face only the usual underdog role based on the Democrats' voter-registration advantage. Look at these factors:

- Nixon has hardly done a disappearing act, there may yet be additional revelations and criminal charges, and the former President has chosen to return to California.
- The economy is still in terrible shape, and the party in power will get the brunt of the blame.
- California has its own disgraced politician (other than Nixon and his men) in Ed Reinecke, who embarrassed the GOP every day he refused to resign after a jury found him guilty of perjury.
- In Brown, the Democrats have a top-of-the-ticket candidate whose name is almost synonymous with political reform. And he has a big lead in the polls.
- The Reagan administration apparently has lost its appeal among voters, who may want a more drastic change than even a Flournoy can provide.
- The independent voter may still blame the entire Republican Party for the nation's political crisis, not only because the GOP national convention nominated Nixon and Spiro Agnew for either president or vice-president on a total of seven different occasions but because so many other Republicans (including Reinecke) have fallen, too.

Flournoy's problem during the next two months will be to get the public's attention, to sell himself as the man who has the ideal training, knowledge and experience to be governor. Will the news media give him that opportunity with a new presidency being established, a new vice president being confirmed, and the old administration still mired in legal difficulties? Brown agreed to engage Flournoy in six so-called debates, most of which will not have a live statewide audience. But will a public fed up with politics care to tune in?

If the public does pay only slight attention to the Brown-Flournoy race, how can candidates for lesser statewide offices expect to get any attention? The fate of most of them depends on the success of the man at the top of the ticket. Look at the results of the last seven elections for the six partisan state constitutional offices (governor, lieutenant governor, attorney general, secretary of state, treasurer, controller):

1946 — All six spots filled by Republicans.
1950 — GOP takes five, Democrat Pat Brown chosen attorney general.
1954 — A repeat of 1950.
1958 — Democrats take five, Republican Frank Jordan retained as secretary of state.
1962 — A repeat of 1958.
1966 — Republicans take five, Democrat Thomas Lynch retained as attorney general.
1970 — Republicans hold five, Democrat Jerry Brown elected secretary of state.

If this pattern should continue, one party would win five of the offices this November and the other only one; the best bet under such a pattern is that the only Republican incumbent seeking reelection to a partisan constitutional office, Attorney General Evelle Younger, would be the sole GOP victor.

But if the Republicans manage an upset, who among the six Democratic candidates of similar philosophy would most likely survive? A strong possibility would be Assemblywoman March Fong, nominee for secretary of state, because she is the only woman high on the ballot.

Unity and diversity

While the Democrats can run as a homogeneous team in political philosophy, no such unity exists among Republicans. The GOP entries range from controller nominee Bill Bagley, perhaps the most liberal Republi-

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can in the Assembly, to United States Senate candidate, Bill Richardson, the most conservative member of the state Senate. With Reagan leaving office at the end of the year, what does the immediate future hold for the conservative movement in California? Flournoy is a Ripon Society Republican, who can hardly be classed as a conservative even though he has been embraced by some key members of the Reagan "kitchen cabinet". Departing with Reagan are the only other two genuine conservative statewide office-holders — state Treasurer Ivy Baker Priest, who did not seek reelection because of ill health, and Reinecke.

Aside from Bagley and Flournoy, the Republican slate contains three other nominees who cannot be classfied as conservatives: Younger is a middle-of-the-road pragmatist who has built a broad political base that includes large numbers of Democrats; treasurer candidate John Kehoe, former state director of consumer affairs, not long ago was a registered Democrat and administrative assistant to a Democratic congressman; and Brian Van Camp, former corporations commissioner and candidate for secretary of state, was liberal enough to have been student-body president at UC Berkeley.

Conservatives' interest

Without a Reagan protégé at the head of the ticket, some conservatives — mostly from outside California — have indicated that they would like to mount a nationwide campaign to help Richardson oust Cranston from the U.S. Senate. Richardson, a former John Birch Society worker, has made a reputation for himself in the state Senate, paradoxically, for opposing some of the key policies of the Reagan administration. Richardson has charged Reagan with talking economy while spending like a Democrat; he has attacked the administration for releasing violence-prone prisoners too soon and has called for the firing of Reagan's director of corrections, Ray Procunier; and he broke with the governor earlier this year in providing the last vote needed to override a bill prohibiting closure of any state mental hospital without prior legislative clearance — the first override since 1946.

From a practical standpoint, however, it appears to be an exercise in futility for Eastern conservatives to put their dollars behind Richardson as a potential new conservative leader in California, and Richardson would probably agree. As the *Los Angeles Times* put it, he is campaigning as though he would rather be right than senator. Richardson has made it clear that he does not expect to win but is running to spread the conservative gospel. In small towns seeking funds for local projects, he openly expresses opposition to the appropriations because government spending should be reduced.

In Cranston, moreover, Richardson has an opponent who has worked hard to broaden his political base. Cranston, one-time leader in the World Federalists and founder of the leftist California Democratic Council, can no longer be classified as a liberal. He has cast himself as a centrist, and even adopted a neutral position on the Reagan tax-limitation initiative last year. With Richardson as his opponent, Cranston can now move left or right without facing a major problem on issues.

Harmer's chance

So this leaves the conservatives with one remaining hope, the Republican candidate for lieutenant governor, state Senator John L. Harmer. As this is written, Reagan has yet to name a successor to Reinecke, but Harmer appears to be a likely choice. If that does happen, Harmer would have the advantage of running as an incumbent, sharing with Younger the favorite's position for surviving a Democratic sweep.

Editorial cartoon by Pat Oliphant Copyright, the Denver Post
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"I'm a Republican candidate – save me!

The 40-year-old Harmer is an ambitious Mormon who ran unsuccessfully for attorney general four years ago, losing to Younger. He rebounded rapidly and won election as Republican caucus chairman in the Senate, a post that gave him a great deal of exposure during the long reapportionment controversy. He first won office in 1966, running roughshod over then-Assemblyman Howard Thelin in the GOP primary for a newly apportioned state Senate seat. Thelin was so incensed at Harmer's aggressive tactics that he endorsed the Democratic ticket (and was rewarded with a municipal judgeship by then-governor Pat Brown).

In the Legislature, the handsome and articulate Harmer has hewn close to the Reagan line — even when the Governor strayed from the conservative path. Consequently, he is a favorite of Reagan's political advisers and fund-raisers. There is evidence, too, that the Reagan kitchen cabinet engineered a Flournoy-Harmer ticket after it became evident that Reinecke could not be elected (even before the perjury indictment) and that no satisfactory alternative conservative was available for the gubernatorial nomination.

Harmer's greatest asset in the contest for lieutenant governor might be the Democratic nominee, Mervyn M. Dymally, a black liberal state senator from the Watts area of Los Angeles. Dymally squeaked through a rough primary, and it has not yet been shown that a Negro can win a statewide partisan race in California. (Superintendent of Public Instruction Wilson Riles has won his non-partisan statewide post twice. But a black Republican, James L. Flournoy, was the only GOP loser for constitutional office four years ago, losing to Secretary of State Jerry Brown.) Both Dymally and Harmer escaped conflict-of-interest charges in the primary, and in the era of Watergate these charges could prove damaging if substantiated in September and October.

The stakes

Should both Flournoy and Harmer win, the conservative lieutenant governor would be in line to take over the top job should Flournoy depart for any reason (and a governor of California is always a possibility for the national ticket). There is also the possibility that Harmer alone could survive a Democratic sweep. In either event, Harmer would become a top Republican spokesman in California and a national conservative figure as well.

A month ago, it would probably have been ridiculous to speculate about these potential Republican victories. But at worst the resignation of Richard Nixon put the California Republicans back in the ball park. It will now be up to the candidates themselves to get into the ball game.

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Why the energy crisis helped the environmentalist movement

The energy crisis could have dealt a crippling blow to the environmental movement in California. Just when ecologists were making major legislative gains came the shortage of fuel that prompted authorities to take backward steps in the control of smog. Did the energy crisis take the punch out of the environmental movement? To the contrary, contends the author of the following article, it put more wallop than ever into the notion that conservation is good economics.

By TOM HARRIS

The old story of the mule tamer who never abused his animals but justified hitting one over the head with a two-by-four by claiming that it was "just to get his attention" is being reenacted in the clash of the energy crisis and environmental movement. The apocolyptic rhetoric and the threatened legislative reversal spawned by the Winter of '73, with its oil embargo and diverse machinations of the energy combines, certainly gained the attention of environmentalists. The weird interplay of such intensive tactics to turn back the tide of one of the nation's most bombastic movements, however, now promises to come to its rescue at precisely the most-needed moment.

Most of those who toiled earnestly for the cause were beginning to feel like many of their lonely predecessors. While the environmental movement, at its lowest ebb, was no fad, neither has it been the frenetic craze of two or three years ago. Interest had begun to wane, and the professionals were carrying more and more of the load.

A harder edge

All of that has begun to change again, and it may be that the nation's — indeed the world's — continuing energy problems hold the power to resurrect the flagging environmental cause.

Those early demands to gut the federal Clean Air Act by bringing back coal-burning power plants, stripping the west, and delaying auto smog controls were like plunging the forger's finely hammered steel into icy water. The energy crisis hasn't defeated the environmental movement, but merely tempered it to a harder edge that should, in turn, cut more incisively into its threatening forces.

Despite an avalanche of doomsday predictions from the coal interests and their demands that the Clean Air Act be "amended" (a polite word for what they really had in mind), actual results are at least reasonable and certainly far from what the most ardent anti-environmentalists had hoped for.

When the House-Senate Conference finally reached agreement in May on amendments to the act, the result still will strictly limit the number of power plants that can convert from oil to coal as a primary boiler fuel, which is an unreasonable allowance in view of the fuel shortage. The conversions will only be allowed where they will not cause or contribute to violation of primary (health-related) air-quality standards. And in no case may they emit pollutants, for which there are not yet prescribed standards, that would tend to cause risks to public health. In addition, any change-over plants would first have to be equipped with the latest devices for retrieving any pollutant that already exceeded standards in the region involved.

There was also a one-year delay on the rigid auto-exhaust standards to cut smog-causing emissions, and there was some weakening of the highly contentious and hurriedly conceived transportation controls. While there may have been less than overpowering reasons to effect those modifications, the result is that the massive and expensive counterattack mounted by pro-industry forces failed to win over Congress.

Continuing conflict

The end is not yet in sight. National land-use-planning legislation has gone down the tubes again and, at this writing, it looks as though the mining interests may once again succeed in delaying passage of strong strip-mine and reclamation legislation. Gut, tear and rip as they have since 1971, these interests still have not been able to get one of their own bills enacted, although they have done an effective job of watering down or delaying those put up by environmentalists. While delay is dangerous, every year of waiting to rip the flesh off the western prairies to get at their rich and shallow veins of coal, gives the environmental movement more time to hammer home the ethics and values of energy conservation.

In short, the energy woes have been as productive in the long run as they have been painful in the short term in gaining acceptance for the environmental movement. No longer do the preachers of a waste-not, want-not ethic sound like a bunch of "eco-freaks". The electric utility company ads now stress conservation of electricity. Big oil, too, has come to view endless increases in fuel consumption as a bit batty, and the industry's publicity reflects this realization.

Popular concern

In a year when the League of Conservation Voters chalks up a 19-for-25 record in the success of its endorsed

The author, a San Jose journalist specializing in environmental concerns, wrote "Californians are saying 'no' to growth" and "Finding water to keep California green" in the July and October 1973 issues.

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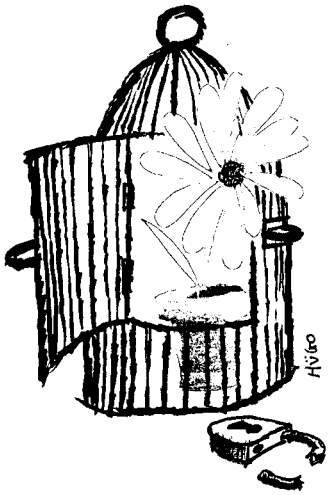

candidates in the California elections, putting environmental muscle where it counts most, one can scarcely predict the death of the movement. Proposition 20 didn't provide for the protection of the coastline because environmentalism is passé. Nor is the presence on the November ballot of an initiative to block New Melones Dam from flooding Stanislaus Canyon and ending its white-water run. Such popular acts suggest the depth of public concern over loss of natural resources. The campaign to qualify the New Melones Dam initiative — the only initiative to make the ballot — was a grass-roots victory; less than $33,000 brought in nearly half a million signatures.

Natural systems

There is a new and unquestionably important tenet being voiced with growing conviction within the environmental movement. It is the thesis that we must begin to protect the natural systems — the intricate combinations of seemingly opposing forces that have slowly worked their way into an equilibrium that is imperceptible to the untrained eye — because they themselves have a right to that protection. This notion of the rights of natural systems was developed by such eminent environmentalists as Aldo Leopold in his *Sand County Almanac* and Rachel Carson in *Silent Spring* — not to mention John Muir in nearly all his writings. But today, the idea is being voiced with growing urgency.

University of California Professor Christopher D. Stone laid the modern foundation for this important change in environmental point of view when he made the case to spare Mineral King Valley from a massive resort development. In his presentation to the Supreme Court, *Should Trees Have Standing?*, Stone urged that, if we can confer legal rights on such inanimate objects as ships, railroad companies and other corporations, we can do as much for birds, fish, trees, rivers and mountains. To him, it was not so important to block development at Mineral King because it would encroach upon the private paradise of a few hundred campers and hikers as to prevent the ruthless killing of a whole community of natural residents and destruction of the intricate web of life they support (including ultimately our own).

Forests must be protected for more reasons than that they are exhilarating to view; they must be preserved, according to this emerging outlook, for their greater value to mankind and the natural systems that make this planet habitable.

Energy and ecosystems

The true conservationists were making the point that good conservation of resources is good economics, good business and good ethics, long before the energy crisis set cars on end before the world's gasoline pumps. This most recent crisis added an exclamation point of urgency to that view. The country now may begin to understand what the Muirs, the Leopolds, the Carsons and the Stones have been talking about.

Part of this would be the realization that there can be no "energy backlash" to the environmental movement because the two concerns are inextricably joined. Energy is at the core of every ecosystem. There is no way that one can "defeat" or "conquer" the other; it is like turning on and devouring ourselves.

The environmentalists' legislative success story

In the view of the Sierra Club, the 1973-74 session has been the most successful in history for the conservation movement. Even before the end of the session, the organization's lobbyist, John Zierold, reported to the membership that numerous landmark environmental measures had been enacted and that more were on their way to passage prior to adjournment of the two-year session. Here are the key measures cited by Zierold:

Forest practices. The strongest forest-practices act of any state or federal government — with the possible exception of Norway — was signed into law.

Parkland acquisition. Some $63 million was appropriated for park acquisition from the Bagley Conservation Fund, $35 million in 1973 and $28 million in 1974.

Bike trails. A $3 million hostel and trails system for the state park system was approved for the exclusive benefit of non-motorized park visitors such as cyclists and hikers.

Energy commission. The Warren-Alquist Energy Act establishing a powerful energy and conservation commission was signed into law [see *CJ*, July 1974].

Flood control. A law redirecting the state's flood-control program and designed to end subsidies to land-owners was enacted.

Lake Tahoe. A $10 million conservancy fund was established to obtain key parcels at Lake Tahoe. Two public members were added to the Tahoe Regional Planning Agency.

Water bonds. A $250 million bond issue was approved by the Legislature and the electorate for sewage-treatment facilities.

Gasoline-tax diversion. In June, the voters approved a proposition authorizing use of gasoline-tax revenues for rapid-transit purposes.

Park bonds. The voters also authorized a $250 million bond issue for park acquisition and development.

Seashore system. A measure creating six state seashores and expressing legislative intent to acquire coastal property was headed for passage.

Park fees. The Collier Park Preservation Act, requiring that the $8 million a year collected in state park entrance fees be used for land acquisition, was expected to be enacted.

Suisun Marsh. A bill to protect Suisun Marsh at the north end of San Francisco Bay, an area representing 12 percent of the state's remaining wetlands, was headed for approval.

Smog control. Senator Biddle's proposal to create a powerful full-time Air Resources Board and establish a south coast air pollution control district looked likely to be enacted.

Bill Press, spokesman for the Planning and Conservation League, added that one of the biggest victories for environmentalists was defeat of companion water bills by Senator Howard Way and Assemblyman Ken MacDonald. These measures were viewed by conservationists as attempts to emasculate the state Water Resources Control Board and the Porter-Cologne Water-Quality Control Act.

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How should public money talk in corporate voting?

By LAWRENCE W. MILES JR.

- Should the University of California refrain from investing in profitable firms located in nations with social policies repugnant to a majority of Californians — such as South Africa and and its practice of apartheid?
- In voting common stock, should trustees of public pension funds routinely support management of exercise social responsibility — even if there ae adverse financial effects?
- Is it proper for publicly owned stock to be voted at all since it is impossible to determine public consensus on each issue as it arises?

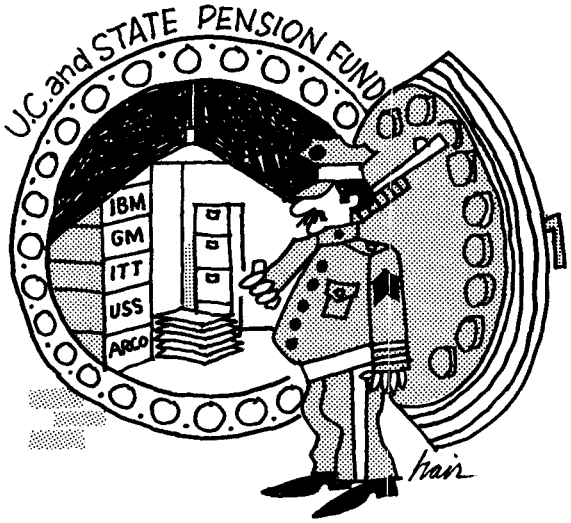
These are some of the questions that have been raised over the investment responsibility of the UC Regents and, to a lesser extent, trustees of various public retirement funds in California. Those who subscribe to the notion of social responsibility in public holdings argue that moral obligations should be given the highest priority when investment decisions are made. The traditional view, however, is that fiscal soundness — security, dividend yield and capital gains — comes first. Managers of these public trusts — and they total billions of dollars — maintain that they cannot be expected to determine which side is right every time a social issue is raised. They also emphasize that mammoth corporations have interests in almost every part of the world and almost every aspect of human activity.

While the California controversy is reasonably new, the pressure on corporations can be traced at least as far back as 1967, when a civil rights organization called FIGHT demanded that Eastman Kodak hire more unskilled black workers. Since that time, there have been numerous attempts to influence corporations into embracing social change, but the investment dilemma remains far from resolved. Portfolio managers argue, for example, that they cannot always discern what constitutes socially responsible behavior. Moreover, a corporation that has done an admirable job of hiring the disadvantaged may do business in a country where separation of the races is practiced. *Harvard Business Review* noted that many American electrical utilities appear free of South African involvement yet may buy considerable quantities of processed minerals mined there. "Purely domestic banks and life-insurance companies may be even more culpable since they often hold bonds of the International Bank for Reconstruction and Development, which lends money directly to South Africa and thereby actually supports a racist government rather than simply profiting from it," the *Review* noted.

Opponents of the social-responsibility theory of public investment claim that once a precedent has been set a case can be made for avoiding investment in virtually any company or country, or to blacklist any stock deal involving a Communist country, or to ban a stock purchase in any firm contributing to, say, environmental pollution (auto manufacturers, for example). And what of the responsibility of pension-fund managers, university trustees, and other investment officers to provide adequate returns for the fund's beneficiaries?

Revenue effect

If divestment were pursued, an institution that owns large blocks of securities would probably face a considerable loss of income just from trying to shift the stocks. In Princeton's case, it was estimated that the costs of the transactions, including brokerage charges and an estimate of the discount necessary to move the blocks in question would amount to around $5 million. The manager of a university endowment fund would probably be reluctant to accept lower investment returns when the



The author is UCLA student-body president.

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institution's regular resources are already gravely inadequate to meet its primary educational mission. But an educational institution must also consider the question of academic freedom and free inquiry: If a university, as a corporate entity, were to take a formal position in moral, social, or political matters, wouldn't the freedom of its members to hold and teach contrary positions be seriously compromised? Put another way by *Harvard Business Review,* the question became: "If universities were to use their economic power to try to influence corporate or government policy, would they not invite retaliatory strategies on the part of corporations or the government? That is, the university might well be subjected to increasingly severe outside pressures, in the face of which it would have difficulty discharging its obligation to provide an environment in which ideas can be freely expressed and developed."

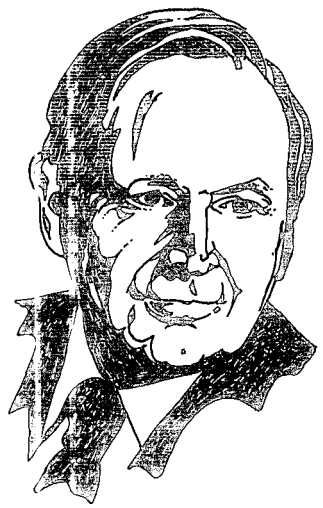
Legislative interest

The attempts by some universities to influence decision-making in this indirect manner have been noticed in both industry and government. For example, *Industry Week* commented that it is "a disquieting thought" to businesses with ties to such countries as South Africa that colleges and universities with sizeable holdings in the firm could be "pressured into this type of activity by their students. While it is one thing to have small stockholders take such action," the magazine said, "it is quite another prospect to have large stockholders enter the picture."

The University of California alone has more than a billion dollars in its investment portfolio, a fact that has not escaped legislative notice.

A harbinger of the kind of discussion that has surrounded this trust came in June 1972 with publication by the Assembly Office of Research of a study by John Harrington entitled, *The State of California and South African Racism.* The study reflected that the majority of citizens would undoubtedly be opposed to the racial segregation policies of white-ruled countries in southern Africa, but that ". . . most Californians are probably not aware of the extent to which American corporations support these racial policies, either explicitly or implicitly."

The report led to a legislative campaign by Assemblyman John Dunlap to make social responsibility in investment practices the state's official policy. Dunlap's legislation led to a series of hearings that ranged beyond UC stock-voting practices to the entire concept of public ownership of private corporations. At one hearing, Assemblyman John T. Knox of Richmond asked whether it is proper in a capitalistic system for the public to own such a massive share of private enterprise. He asked pension-fund managers whether trustees could remain neutral in stock-proxy fights over all issues. Knox was told that the public owns so much stock in some corporations that, should the stock not be voted, some firms would be unable to muster the necessary majority vote even to elect their boards of directors.



John Dunlap

UC under scrutiny

Harrington concentrated on the University of California in his next work, *UC Investments: Racist or Responsible?* "The South African government, the world's foremost racist, hangman, and barbarian, with the economic support of the United States' multinational corporations perpetuates apartheid, the internationally recognized form of institutionalized racism," wrote Harrington, now administrative assistant to Assemblyman Dunlap. "The University of California presently holds an investment portfolio of over a billion dollars. Thirty-two per cent of this investment is held in firms which operate and receive large profits from, and economically support, racist-ruled South Africa."

Dunlap's campaign apparently has had some impact on the board of the State Public Employees Retirement System, which eight times in 1974 voted against the management position or abstained on social-responsibility issues at the annual meetings of Goodyear, Exxon and Phillips Petroleum corporations. While expressing pleasure at these votes, the Assemblyman also pointed out that there were 30 other chances for the board to take such a stand and it failed to do so. Dunlap urged the System to join the Investor Responsibility Research Center, which specializes in evaluating these issues.

New entrepreneurs

Saturday Review in August 1972 caused some consciousness-raising with publication of "Wall Street's New Social Responsibility Funds." In it, author Harvey Shapiro described a new kind of enterprise, organized generally as mutual funds selling shares to the public and investing the funds in diversified stocks, but with strings attached. Typical of this phenomenon are Pax World Fund, comprising churches whose leadership was shocked to learn what their dollars were financing, Social Dimensions Fund, and Third Century Fund. Sponsored by Howard Stein, chairman of Dreyfus Corporation and a principal fund-raiser for Eugene McCarthy's 1968 presidential campaign, Third Century has collected some $24 million for investment. Stein pledges to "invest only in companies with the most acceptable records on pollution control, product purity and safety, and minority relations."

Roth's intervention

Contends Phillip Moore, head of the Project on Corporate Responsibility: "You've got to go to the companies and raise the issue with them." The issue has clearly been raised in California, most notably with UC's investments. As a matter of fact, the UC Regents were given an opportunity in October 1972 by Harvard President Derek C. Bok to help set up a "center for research on public investment issues". After some discussion, they declined to participate. Regent William Matson Roth followed up by giving members of the Committee on Investments a copy of *The Ethical Investor,* a con-

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troversial book in the field of social responsibility written by three Yale professors. Since then, repeated efforts by the Student Body Presidents Council of the University of California and the UC Student Lobby encouraged Roth, who by now had become a democratic gubernatorial candidate, to organize his own investments committee composed of two students, two faculty members, and two regents.

At the same time that Roth was considering the proposal, the abductors of Patricia Hearst, the so-called Symbionese Liberation Army, were criticizing her mother, Regent Catherine Hearst, both for her own record on the board and for the university's policy on investments. Declaring that the regents profited from "racist and irresponsible investments in South Africa," the SLA urged Regent Hearst to examine her thinking on the matter.

Investment policy

The question has been shelved temporarily but many of the regents had already made their positions clear. In April 1970, for example, the regents voted aginst proposals, in the "Campaign GM" incident that would have, among other things, created a "committee on corporate responsibility". This incident led the Board of Regents to adopt a written policy on investments. Proposed by UC Treasurer Owsley Hammond, the policy holds that, "in general, but with rare exceptions, proxies are voted by the treasurer to agree with management recommendations." In following this recommendation, the university has come under criticism for a number of its decisions, including voting:

- 142,000 shares of convertible preferred stock against a proposal that ITT be politically neutral.
- 80,000 shares of IBM (the university's largest single holding) against disclosure of wages paid to black and white employees in South Africa.
- 129,000 shares of GM stock against disclosure of the firm's relationship with South Africa.
- 100,000 shares of Ford against a proposal to disclose new air-pollution control devices and minority-hiring practices.
- 48,000 shares of DuPont against a proposal that the firm not ask its employees to support certain political parties or candidates.

Last winter, UC President Charles Hitch submitted to the Regents Special Committee on Re-organization a proposal to allow a regent to take a proxy issue to a public hearing of the Committee on Investments. Hitch also requested that the regents consider subscribing to the Investor Research Center, a nonprofit organization that provides impartial analyses of proxy issues. The members declined. Regent Chairman Dean A. Watkins said that he is "satisfied with the existing policy," which, he asserted, allows for dissent by individual regents. While Regent Roth and fellow board representative William Coblentz expressed unhappiness with present policy, Watkins seems to represent the prevalent attitude of the board. "In the end it gets down to the prudent management of the investments of the university, with an eye to maximum return," Watkins said. "Once we begin applying somebody's idea of morality or social good, I don't know where we would stop."

Protest continues

If the regents remain firm in their stand, voices of dissent continue to emanate from the campus. The Academic Council passed a resolution supporting social responsibility. Students at Berkeley and Santa Barbara announced their strong opposition to the regents' policy, and the southern campus sprouted a "People's Coalition for Investor Responsibility". At UCLA, students gave almost a 10-to-1 margin to a recent referendum in favor of considering social responsibility in UC investments.

Citizen reaction is also starting to emerge. Mrs. Katharine W. Tremaine, a resident of Santa Barbara County, withdrew her offer of transfering a 100-acre parcel of beach and cliff property in the Point Arena area to the university's National Land and Water Reserve System after learning, she said, that "approximately 35 percent of the University of California portfolio represents investments in firms which either operate in South Africa or derive substantial profits from business there."

A bill by Assemblyman Dunlap (AB 974) that would have required the state to remain neutral in stock battles concerning social responsibility was defeated in the Senate Government Organization Committee last March. The university administration was against the bill, citing the uncertainty of its effect on the financial security of the university's investment portfolio and doubting that the measure would provide a workable method of attacking social problems.

Despite Dunlap's failure, the issues raised during debate on his bill are far from dead. The concept of social responsibility is still of prime interest to the campus community and will undoubtedly come up as the regents make portfolio changes and cast proxy votes on controversial issues. And the question of the propriety of public agencies — predominantly retirement funds — owning such a lion's share of America's largest private corporations has only begun to be explored.

Public investment in private corporations

Public agencies are some of the largest stockholders in America's largest corporations. It has been claimed that, if all the public agencies in the United States refused to vote their stock proxies, some firms would be unable to elect a board of directors because they jointly owned a majority of the shares of these firms. These charts show the five largest stock holdings of three California funds at the end of the 1972-73 fiscal year.

U.C. Endowment Fund

Company	Number of shares	Value
IBM	50,623	$16,000,000
Caterpillar Tractor	216,240	12,570,000
Eastman Kodak	71,825	9,800,000
GE	95,108	5,450,000
Sears Roebuck	52,235	5,000,000

U.C. Pension Fund

IBM	47,569	$15,000,000
BankAmerica	237,656	10,340,000
Pfizer	181,000	8,450,000
GE	129,240	7,400,000
Continental Corp.	194,333	7,384,654

Public Employees Retirement Fund

IBM	295,750	$93,750,000
Burroughs	206,400	46,800,000
Warner-Lambert	694,800	33,350,000
Honeywell	300,000	31,800,000
GE	546,500	31,350,000

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Significant court actions

End of lay justices

Claude J. Miller is a former highway patrolman who sits as a justice court judge in Yuba City. G.S. Dana is a former constable elected justice-court judge in Grover City. Justice court judges like them handle about a million criminal matters a year, and 60 percent of these judges are not attorneys. In a unanimous decision, the state Supreme Court has ruled that laymen like Miller and Dana no longer can preside over criminal trials in which the penalty can be a jail sentence because it would be a violation of a defendant's right to due process of law. As a practical matter, the high court sounded the death knell for laymen as justice court judges because the Legislature is now expected to make the jobs available only to attorneys.

In *Gordon* v. *Justice Court,* Lewis Gordon and Santiago Arguijo contended that they were unable to get proper trials before Judges Miller and Dana on charges of disturbing the peace and drunk driving. In an opinion written by Associate Justice Louis H. Burke, the Supreme Court found reasonable likelihood that non-attorney judges will be unable to provide fair trials for defendants facing up to a year in county jails. Layman judges are required to pass three-hour examinations, Burke reported, but the test is not nearly as rigorous as the bar exam. He pointed out that complicated legal and constitutional issues often arise in misdemeanor cases.

The court ruling, which is to become effective in mid-September, made it clear that laymen judges can still sit in civil cases, in minor misdemeanor matters and even in cases involving a possible jail sentence, if the defendants clearly waive their rights to an attorney judge.

Chief Justice Donald Wright and Associate Justices Stanley Mosk and Raymond Sullivan, who are members of the state Judicial Council, did not sit on the case. Sitting on assignment were Justices Murray Draper, John B. Molinari and Thomas W. Caldecott of the San Francisco Court of Appeal.

Conflict of interest

In a 4-3 decision, the court ruled that a city attorney who has the responsibility for prosecuting violators of municipal ordinances cannot also represent indigent criminal defendants. Chief Justice Wright wrote the majority opinion in *People* v. *Rhodes,* reversing a forgery conviction for Douglas Lama Rhodes. Hanford City Attorney Kenneth Clawson represented Rhodes at his trial following appointment by the court to the case.

The Supreme Court agreed with Rhodes that he was denied his constitutional right to effective assistance of counsel because Clawson's responsibilities as prosecutor constituted a conflict of interest. The majority opinion made it clear that its holding was not a criticism of Clawson or of the superior court judge who, following local custom, appointed the city attorney to the case. Mosk, Sullivan and Justice Mathew Tobriner signed the majority opinion.

Burke dissented, joined by Justices William Clark Jr. and Marshall McComb. He saw no evidence that using a part-time city attorney for defense purposes in the Rhodes case had resulted in a miscarriage of justice. He agreed, however, that this type of conflict of interest should be avoided.

Coastal unit victory

The California Coastal Zone Conservation Commission won a series of victories in a unanimous decision by the Supreme Court in a case challenging the commission's authority to restrict the use of private property. In *State of California* v. *Superior Court (Veta Company),* the court said that:

- The commission cannot be sued by a developer for damages resulting from the denial of a building permit.
- A developer must first go to the commission to determine whether he has a vested right in a certain property before taking the issue to court.
- A temporary freeze on the issuance of permits by the commission does not amount to inverse condemnation.

The court had taken the unusual step of intervening in the Veta Company cas before trial because the commission's operations could be seriously hampered before submitting its coastal zone plan in 1975 if it were required to defend lawsuits seeking damages because permits had been denied. At issue was the claim of Veta, an Orange County development firm, that it had been severely damaged by having been prevented from developing its property. The court ruled that Veta could not sue for damages because state law protects government officials and public entities from denial-of-permit damages.

Justice Mosk, writing the opinion, found that there are legal precedents upholding even more severe restrictions on use of private property and that the commission's Veta denial "at this time" does not constitute a taking of property without just compensation. This is because the denial is only a temporary measure pending completion of the coastal zone plan. Veta had sued for more than $23 million.

Airport searches

The court unanimously upheld the constitutional validity of airport security provisions in effect at California airports. But the court divided 4-3 on the legal basis for its decision in *People* v. *Hyde.*

Frederick Weston Hyde III claimed that the routine inspection violates a federal constitutional prohibition against unreasonable searches. (A federal marshal had discovered marijuana and LSD tablets in his hand luggage at San Diego International Airport.)

Four of the justices justified the legality of the search on the ground that it is not part of a criminal investigation but, rather, constitutes an administrative inspection designed to insure that dangerous weapons are not carried onto an airplane. The other three justices called the airport search unique and not an administrative search, but considered it legal because it is only a minor intrusion into a passenger's privacy, the purpose is compelling, and there is no other practical way to deal with hijacking.

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California *NEWSMAKERS*

New committee chairmen appointed by Assembly Speaker **Leo T. McCarthy: Ray Gonzales,** Education; **Ray Seeley,** Agriculture; **Wadie P. Deddeh,** Employment and Public Employees; **Alister McAlister,** Finance and Insurance; **Bob Wilson,** Governmental Organization; **John J. Miller,** Judiciary; **Bill Greene,** Labor Relations; **Leon Ralph,** Rules; **John Foran,** Ways and Means. All except Seeley are Democrats .... Freshman Republican Assemblyman **Doug Carter** of Stockton, conceding that he had made "a mistake" in withdrawing from his reelection race because of a dispute with Governor **Ronald Reagan** over local-government appointments, announced he was back on the campaign trail against Democrat **John Garamendi.**

Pio Pico, grandson and namesake of the last Mexican governor of California, died in Santa Monica at 64 .... **Ruth M. Riley,** long-time file clerk in the Assembly and widow of state Controller Harry B. Riley, died in Sacramento at 74 .... **Arthur G. Will** resigned as chief administrative officer of Los Angeles County to accept a similar post in Contra Costa County at almost $7,000 a year less than the $49,500 he had been drawing in Los Angeles. Will said he was leaving the L.A. post after 3½ years for personal reasons and to work in a smaller, more manageable Northern California county.

The United States Civil Service Commission found a pattern of illegal personnel appointments and other violations of the merit system in the federal welfare program under **James Dwight Jr.,** former chief deputy state director of finance in the Reagan administration, the Sacramento Bee reported .... A San Luis Obispo convict, **Ronald E. Stewart,** sued the state corrections chief, **Raymond Procunier,** for $1.8 million, including the director's pants, shoes, socks, dog, cats, chickens and farm animals. The convict claims that his civil rights were violated by Procunier, who has one small dog, but no other animals.

Virginia Carter and **Loren Miller** of Los Angeles resigned from Attorney General **Evelle J. Younger**'s task force on women's rights to protest the ouster of **Mari Goldman** of Sacramento, chief counsel to the Legislature's Joint Committee on Legal Equality. Younger said Goldman was dropped because of "partisanship". She is a former member of the staff of Senator **Mervyn M. Dymally,** Democratic nominee for lieutenant governor. Carter countered that Goldman was removed because she was attempting to get the 30-member task force to act on discrimination in the criminal justice field.

State Senator **Alfred H. Song** has been appointed chairman of the Legislature's new Joint Committee on the Structure of the Judiciary, which will consider a variety of proposals to reform the state's court system. Also on the committee are Senators **Robert Stevens, George N. Zenovich, Craig Biddle** and **David Roberti,** and Assemblymen **John J. Miller, Alan Sieroty, Howard Berman, Robert Beverly** and **Frank Murphy** .

The Sierra Club wildlife committee named Assemblyman **Daniel Boatwright** of Concord as California wildlife conservationist of the year. Boatwright, a freshman, authored numerous conservation measures during the past two years. Certificates of appreciation were given to Senator **Peter Behr** of Marin County and Assemblyman **John Dunlap** of Napa .... The state Department of Rehabilitation announced selection of **Richard D. Joy Jr.,** 33, of Santa Rosa as California rehabilitant of the year. Joy, though blind and deaf, solders electronic parts, assembles components and operates an engraving machine for Hewlett-Packard Corporation.

APPOINTMENTS: **Kenneth D. Britt,** 41, as warden of San Quentin Prison; he had served as associate warden .... **Maurine B. Crosby** of Jackson to the Youth Authority Board .... **Mary Jane Gerber** as administrator of the Sacramento region of the operations branch of the state Employment Developrnent Department. Gerber is one of the highest ranking women in state service.

CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month only if a meeting is scheduled: Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Postsecondary Education Commission; Board of Education; Highway Commission; Little Hoover Commission; Park and Recreation Commission; University of California Board of Regents.

Sept. 5-7	**Law Revision Commission.** San Diego. 10 a.m.
Sept. 11-12	**Air Resources Board.** State Office Building, Room 1194, 455 Golden Gate Ave., San Francisco. 9:30 a.m.
Sept. 12-13	**Board of Education.** Resources Building Auditorium, 1416 - 9th St., Sacramento. 9 a.m.
Sept. 13	**Park and Recreation Commission.** Department of Transportation, 1120 N St., Sacramento. 9 a.m.
Sept. 16	**Postsecondary Education Commission.** Host of Sacramento Airport Hotel. 10 a.m.
Sept. 18-19	**Board of Governors, California Community Colleges.** Airport Inn, Irvine. 9:30 a.m.
Sept. 19-20	**UC Board of Regents.** Los Angeles Convention Center.
Sept. 22	**Council on Criminal Justice.** Airport Hyatt House, Los Angeles. 10 a.m.
Sept. 23-25	**Board of Equalization.** 1020 N St., Room 102, Sacramento. 2 p.m.
Sept. 24-25	**Board of Trustees of the State University and Colleges.** Third Floor, 5670 Wilshire Blvd., Los Angeles.
Oct. 4	**Fish and Game Commission.** Resources Building Auditorium, 1416 - 9th St., Sacramento. 9 a.m.

The following boards and commissions follow a regular monthly schedule: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Coastal Commission, first and third Wednesdays; Consumer Advisory Council, second Wednesday; Public Works Board, last Monday; Reclamation Board and Solid Waste Management Board, second and fourth Fridays; Resource Conservation Commission, fourth Tuesday; State Lands Commission, last Thursday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays.

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Rape-law victory for women's groups

The past sexual relationships of a rape victim would no longer automatically be fair game for defense attorneys under legislation approved by both houses of the Legislature. Senate Bill 1678 by freshman Senator Alan Robbins, expected to be signed into law by Governor Reagan, is designed to reduce harrassment of rape victims in court and encourage women to report these crimes. Under current law, many rape victims apparently feel that they become the defendants when their entire sexual past can be explored during trial. Robbins' bill would allow questions concerning a rape victim's sex life to be raised only as to the issue of whether she is lying; the judge will decide out of hearing of the jury if the testimony is relevant. (The Assembly defeated an amendment by Assemblyman John T. Knox of Richmond to expand the subject matter of the hearing.) As the bill originally cleared the Senate, all testimony on the victim's prior sex life would have been barred, but Robbins accepted the change to get the measure through the defense-minded Assembly Criminal Justice Committee. Rape-law reform has been one of the top priority goals of women's organizations during the 1973-74 session. [See "Who's the defendant?", *CJ*, July 1974.]

The Assembly also approved a bill by Assemblyman Richard Alatorre allowing California farm-workers to decide by secret ballot which union, if any, they want to represent them. The proposal, backed by the United Farm Workers, was headed for defeat, however, in the Senate. Assembly passage was a victory, however, for new Speaker Leo T. McCarthy — and significant in itself because farm-labor bills of all types have invariably died in committee in recent years.

Lawmakers beat a deadline to get a $500 million bond issue for low- and moderate-income housing development on the ballot this November, but the enabling acts were vetoed by Governor Reagan. Senator George Zenovich, author of the housing package, failed in an attempt to override the veto. The secretary of state's office had tentatively given the numbers 18 and 19 on the November proposition list to the bond issue and a companion measure establishing a state housing corporation.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through August 18th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

Senate

BUSINESS

SB 1767 (Way) — Deletes lack of good moral character as ground for denying a business or professional license. Passed 23-9.

SB 1796 (Zenovich) — Exempts banks' trust-department loans from constitutional usury limitations (10 percent). Passed 23-5.

EDUCATION

SB 1864 (Deukmejian) — Appropriates $2.6 million for educational programs for disadvantaged youth and revises the formula for distribution of funds under the program. Passed 22-8.

SB 2264 (Moscone) — Establishes 10 Indian education centers and provides $400,000 for their operation. Passed 27-4.

EMPLOYMENT

SB 1502 (Beilenson) — Eliminates election days as holidays for public employees. Passed 21-14.

SB 1800 (Deukmejian) — Places control on private pension plans to protect employees. Passed 23-11.

ENVIRONMENT

SB 1556 (Biddle) — Revises membership, terms and salaries of state Air Resources Board members. Creates South Coast Air Pollution Control District, covering the Los Angeles region. Passed 27-10.

HOUSING

SB 1633 (Zenovich) — Creates a state housing finance corporation to subsidize low- and moderate-income housing. At-

SENATE (22 D, 18R)	SB 1767 SB 1796 SB 1864 SB 2264 SB 1502 SB 1800	SB 1556 SB 1633 SB 1634 SB 1659 SB 1693 SB 1745		SB 1767 SB 1796 SB 1864 SB 2264 SB 1502 SB 1800	SB 1556 SB 1633 SB 1634 SB 1659 SB 1693 SB 1745
Alquist (D)	YYYYYN	YYYYYY	Mills (D)	**Y*YY	YYYYYY
Ayala (D)	YYYYYY	YYYYYN	Moscone (D)	YY*YNY	YYYYYY
Behr (R)	YYNYNY	YYYYYY	Nejedly (R)	Y*NYNY	Y**YYN
Beilenson (D)	YNYYYY	YYYYYY	Petris (D)	***Y*Y	YYYYYY
Berryhill (R)	N*N*YY	NNN*Y*	Rains (D)	YYYYN*	YYYYYN
Biddle (R)	Y*YNNN	YNNYNN	Richardson (R)	******	*NN***
Bradley (R)	YYNNYN	NNNN*Y	Robbins (D)	*YYYNN	YYYYYY
Carpenter (R)	NY*NYY	YNNYNY	Roberti (D)	YNYYNY	YYYYYY
Collier (D)	YYNYYY	NNN*NY	Rodda (D)	Y*YYYY	YYYYYY
Cusanovich (R)	YYYYYY	NNNNNY	Schrade (R)	NYYYNN	NNNNNY
Deukmejian (R)	NNYYYY	NNNY*Y	Short (D)	Y**Y*Y	Y**Y*Y
Dills (D)	Y****Y	YYYYYY	Song (D)	YYY*Y*	YYYYYY
Dymally (D)	**YYN*	YYYYYY	Stevens (R)	YYYYYN	YYYY*Y
Gregorio (D)	YYYYYY	YYYYYY	Stiern (D)	NYNYNY	YYYNNN
Grunsky (R)	YY**NN	YYYY*Y	Stull (R)	NNYYYY	NNNNNN
Harmer (R)	****Y*	******	Walsh (D)	*Y***Y	*YY**Y
Holmdahl (D)	NNYYNN	YYYYYN	Way (R)	YYNNYY	NNNNNN
Kennick (D)	YYYYYY	YYYYYY	Wedworth (D)	NYYYYY	YYYNYN
Marks (R)	YYYYNN	YYYYYY	Whetmore (R)	N*****	NNN***
Marler (R)	YYNYYN	NNNYNY	Zenovich (D)	*YYYNN	YYYYNY

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tempted override of Governor's veto failed, 24-13.

SB 1634 (*Zenovich*) — *Would provide $500* million in state bonds, if approved by the voters, to finance SB 1633. Attempted veto override failed, 24-13.

SB 1659 (Gregorio) — Appropriates $5 million to help local government rehabilitate urban neighborhoods. Passed 27-7.

MISCELLANEOUS

SB 1693 (Beilenson) — Authorizes cities and counties to limit campaign contributions and expenditures in local elections. Passed 21-10.

SB 1745 (Carpenter) — Increases salary of Governor from $49,100 to $60,000 and other state constitutional officers accordingly, effective in 1975. Passed 27-9.

Assembly

EMPLOYMENT

AB 3244 (McCarthy) — Revises child-labor laws, and prohibits gas stations from employing minors. Passed 60-6.

AB 3254 (Alatorre) — Repeals the Winton Act and enacts a new collective-negotiations law for school districts and their employees. Applies to higher education. Passed 51-20.

HOUSING

AB 3369 (Foran) — Authorizes state loans for construction of housing for the elderly and handicapped. Passed 55-8.

JUSTICE

AB 3656 (Sieroty) — Requires counties to give rape victims physical examinations and inform them of available aid. Passed 56-5.

AB 3659 (Meade) — Requires that juries be instructed to view with caution the testimony of an uncorroborated complaining witness. Passed 46-25.

AB 3662 (Sieroty) — Reduces penalties for rape. Failed 23-34.

AB 4221 (*Warren*) — *Requires that obscene* matter be unsolicited before penalties for distributing such material can be imposed. Passed 41-31.

AB 4247 (Sieroty) — Provides additional rights for persons committed involuntarily for narcotic addiction. Failed 19-41.

SB 1678 (Robbins) — Limits admissibility of rape victim's sexual history. Passed 69-4.

LOCAL GOVERNMENT

AB 3784 (Gonzales) — Requires cities and counties to mail hearing notices for proposed zoning changes to property owners in the area affected. Passed 59-10.

AB 2976 (Sieroty) — Authorizes California Coastal Zone Commission to revoke an order excluding land from permit area. Failed 27-31.

AB 4365 (*Russell*) — *Authorizes the sale of* revenue bonds to promote local business development. Passed 41-24.

ASSEMBLY (48 D, 31R)	AB 3244	AB 3254	AB 3369	AB 3656	AB 3659	AB 3662	AB 4221	AB 4247	SB 1678	AB 3784	AB 2976	AB 4365
Alatorre (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Antonovich (R)	N	N	N	Y	N	N	N	N	N	N	N	N
Arnett (R)	Y	N	Y	Y	Y	N	N	Y	Y	N	*	N
Badham (R)	N	N	N	*	N	N	Y	*	N	Y	*	N
Bagley (R)	*	*	*	*	*	*	*	*	Y	*	*	*
Bannai (R)	Y	N	Y	Y	N	N	N	Y	Y	N	N	N
Bee (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	N
Berman (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
Beverly (R)	Y	N	*	Y	N	N	Y	N	Y	Y	N	Y
Boatwright (D)	Y	Y	*	N	Y	Y	*	N	Y	Y	N	Y
Bond (R)	Y	N	*	Y	N	N	Y	N	N	Y	N	Y
Briggs (R)	Y	*	Y	Y	N	N	N	Y	N	Y	N	Y
Brown (D)	*	Y	*	Y	Y	*	Y	Y	Y	Y	N	N
Burke (R)	*	N	N	N	N	N	N	N	N	Y	Y	Y
Carter (R)	N	Y	Y	Y	N	N	Y	N	Y	Y	N	Y
Chacon (D)	Y	Y	Y	Y	*	N	N	Y	N	Y	Y	Y
Chappie (R)	Y	Y	Y	N	N	*	N	Y	*	N	Y	Y
Cline (R)	N	N	*	N	N	N	N	Y	N	N	N	Y
Collier (R)	N	N	*	*	N	N	N	Y	N	N	N	Y
Cory (D)	*	Y	*	*	*	*	Y	Y	Y	*	Y	Y
Craven (R)	Y	N	Y	Y	N	N	N	Y	Y	N	Y	Y
Cullen (D)	Y	Y	Y	Y	*	N	Y	Y	N	*	N	Y
Davis (D)	Y	Y	*	*	N	*	N	*	N	Y	N	Y
Deddeh (D)	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y
Dixon (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Duffy (R)	Y	Y	Y	Y	*	N	N	Y	N	Y	N	Y
Dunlap (D)	Y	Y	Y	Y	Y	Y	*	Y	Y	N	Y	Y
Fenton (D)	Y	Y	*	Y	Y	*	Y	N	Y	Y	Y	Y
Fong (D)	Y	Y	*	Y	Y	Y	*	Y	Y	N	N	Y
Foran (D)	Y	Y	Y	Y	Y	*	Y	Y	Y	N	N	Y
Garcia (D)	Y	Y	*	Y	Y	Y	Y	*	Y	Y	N	Y
Gonsalves (D)	Y	Y	*	Y	N	*	Y	*	Y	Y	N	Y
Gonzales (D)	Y	Y	Y	Y	N	*	Y	*	Y	Y	N	Y
Greene, B. (D)	Y	Y	*	Y	Y	Y	Y	Y	Y	N	N	N
Greene, L. (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y
Hayden (R)	Y	Y	Y	Y	*	N	N	Y	*	Y	Y	Y
Holoman (D)	Y	Y	*	Y	Y	*	Y	Y	Y	Y	N	Y
Ingalls (D)	Y	Y	Y	Y	*	N	Y	Y	Y	Y	N	Y
Johnson, H. (D)	Y	Y	Y	*	*	*	*	Y	Y	*	*	*
Johnson, R. (R)	Y	N	Y	*	N	N	N	Y	Y	N	N	Y
Kapiloff (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Karabian (D)	Y	*	*	Y	Y	Y	Y	*	Y	Y	N	Y
Keene (D)	*	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y
Keysor (D)	Y	Y	Y	Y	Y	*	Y	*	Y	*	Y	*
Knox (D)	Y	Y	Y	Y	*	Y	Y	N	Y	Y	N	Y
Lancaster (R)	Y	N	Y	Y	N	N	N	Y	N	N	N	N
Lanterman (R)	Y	N	Y	Y	N	N	N	Y	N	*	N	*
Lewis (R)	Y	Y	Y	N	N	N	N	Y	N	Y	N	Y
Lockyer (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
MacDonald (D)	Y	Y	Y	Y	N	N	Y	Y	Y	N	Y	Y
MacGillivray(R)	Y	N	N	N	*	*	N	Y	*	N	Y	Y
Maddy (R)	Y	Y	Y	Y	Y	*	Y	N	Y	Y	N	Y
McAlister (D)	Y	Y	Y	Y	N	N	N	N	Y	Y	N	N
McCarthy (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y
McLennan (R)	*	N	N	N	N	N	N	Y	N	N	N	Y
Meade (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Miller (D)	Y	Y	*	Y	N	*	Y	Y	Y	Y	Y	Y
Mobley (R)	Y	Y	N	N	N	N	N	Y	N	N	N	N
Montoya (D)	Y	*	Y	Y	Y	*	*	Y	Y	Y	*	N
Moretti (D)	*	Y	*	Y	*	*	Y	*	Y	*	Y	*
Murphy (R)	Y	Y	Y	Y	N	N	N	Y	Y	N	Y	Y
Nimmo (R)	*	N	Y	*	N	N	N	Y	N	N	N	Y
Papan (D)	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	Y
Powers (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Priolo (R)	*	N	Y	*	*	*	*	N	N	*	N	*
Quimby (D)	*	*	*	*	*	*	*	*	Y	*	*	Y
Ralph (D)	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Russell (R)	*	N	N	N	N	N	N	Y	N	N	N	Y
Seeley (R)	Y	N	Y	N	N	N	N	Y	N	N	N	Y
Sieroty (D)	Y	Y	*	Y	Y	Y	Y	N	Y	Y	N	Y
Thomas (D)	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	N
Thurman (D)	Y	Y	Y	Y	N	N	N	Y	Y	N	N	Y
Vasconcellos (D)	Y	*	Y	Y	*	Y	*	Y	Y	Y	Y	Y
Wakefield (R)	N	N	N	N	N	N	N	Y	N	N	N	Y
Warren (D)	*	Y	*	*	Y	*	Y	*	Y	*	Y	*
Waxman (D)	Y	Y	*	Y	*	Y	Y	Y	Y	Y	N	Y
Wilson (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Wood (R)	*	Y	Y	N	N	N	N	Y	N	N	N	Y
Z'berg (D)	Y	Y	*	*	*	*	Y	*	Y	*	*	*

CANNON *(Continued from page 319.)*

of the time, had broken with many of his Republican colleagues and provided vital help in defeating the School Prayer Amendment because Wiggins believed it to be unconstitutional. "He has just tremendous courage and a certain serenity about his view of American life and the law," says Edwards, whose own record is as liberal as Wiggins' is conservative.

McCloskey, who had watched the Judiciary hearings on television, also was not surprised. "More than any other member of the Judiciary Committee, Wiggins set a tone and a style of debate that must have led the people of the country to think much more highly of the process," McCloskey said. "His dignity and his approach helped the committee members to behave like lawyers, not politicians. He someday ought to be attorney general."

McCloskey had suspected, perhaps longer even than Wiggins' colleagues on Judiciary, that Wiggins would wind up playing a constructive role. Replying on May 16, 1971, to the letter in which Wiggins had tried to dissuade him from running against Nixon, McCloskey had written: ". . . It is your own quiet and thoughtful approach to the problems of the nation that causes many of us to have just a little more hope and faith that the country is sound, our people good and that we may yet do the job we are capable of doing. Your friendship is one of the best things that has happened in this screwy business. Give me all the hell you want . . . ."

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By Lou Cannon

The man who sealed Nixon's fate

It was springtime in Washington, the late wet springtime of 1971, and Republican Pete McCloskey's abortive campaign against President Nixon was taking form. McCloskey was obsessed with the continuation of the Vietnam war and what he believed to be the dishonesty of the Nixon administration in its dealings with the American people on this subject. In February he had made the heretical suggestion that the House should discuss presidential impeachment. Republicans, even those accustomed to the wild ways of McCloskey, were outraged. Some considered him a renegade who was undermining both the GOP and the President's plan to disengage in Vietnam. Others wanted him read out of the party.

It was in this context that one Republican congressman who wanted both to support Nixon and sustain his friend McCloskey wrote to ask reconsideration. With careful bluntness the letter suggested that McCloskey, who has always been attuned to his press coverage, was flattering himself about his presidential possibilities. "Although you personally may be excused for believing in the viability of your candidacy, those around you are not so naive," the letter said. "Very simply, Pete, you are being used. Your enormous talents and potential for our party are being perverted and misdirected by those who are not pro-McCloskey but anti-Nixon."

The author of this letter was Republican Charles E. Wiggins, who then represented a meandering Los Angeles County congressional district that included many of the same towns once served by Republican Richard M. Nixon. McCloskey liked and respected Wiggins, but he did not take his advice. Instead, he went on to challenge the President in New Hampshire, winning only one-fifth of the primary vote. Afterward, he won renomination to Congress only because two anti-McCloskey Republicans split the vote. McCloskey, with lots of help, also found time to write a bad book containing a useful message: "Deceit when the national security is literally at stake is one thing; as a matter of continuing policy it is another."

* * *

Wiggins had other things to worry about. His wife was seriously ill and would soon die of cancer. He was reelected easily and returned to the House Judiciary Committee, where he became the most effective spokesman against the Equal Rights Amendment and author of an amendment that nearly gutted it. Wiggins was unknown outside of Congress, but he was popular with his fellow lawyers on the Judiciary Committee, who considered him a skillful attorney, a good golfer and a gentleman. When the Judiciary Committee began its impeachment inquiry, Wiggins soon supplanted the lackluster ranking Republican member as President Nixon's most able defender. Drawing the grounds for impeachment even more narrowly than White House lawyers, Wiggins insisted on a standard of evidence that seemed incapable of being met.

Impeachment or not, the disclosures that came out of the Judiciary Committee investigation were disturbing to the President's defenders. Most of the revelations had been made before, to the Watergate special prosecutor or to the Ervin committee, but the Judiciary Committee members were confronting them for the first time. Even those who thought that Nixon had committed no crime were revolted by the cynicism, the language and the obsessional suspicions revealed by the White House transcripts. The committee, plodding along under the patient leadership of Chairman Peter Rodino and Chief Counsel John Doar, encountered example after example of attempts by White House officials to enhance their own prestige by appealing to the worst instincts of the President.

Many of these documents were never released. Among them was a 16-point memorandum sent December 15, 1971, by White House special assistant Patrick J. Buchanan to White House chief of staff H. R. Haldeman and then-Attorney General John Mitchell on how to deal with the McCloskey challenge. The basic strategy in the New Hampshire primary, as outlined by Buchanan, was to cut both the McCloskey and the Muskie vote by publicizing the candidacies of George McGovern and Sam Yorty. McCloskey was to be depicted as a tool of the Democrats and a "dupe of left-wing Svengalis". Among the tactics Buchanan suggested was this one: "Perhaps the Gay Liberation and/or Black Panthers and/or SDS at Dartmouth could be prevailed upon to contribute a grand or so to the McCloskey campaign. When the check was cashed, that fact brought to attention of the voters of New Hampshire — by the [Manchester] *Union Leader* — who might be skeptical of the source of funds."

* * *

On August 2nd, Wiggins was working in his office on the minority views that would be presented to the House opposing Nixon's impeachment. Despite press secretary Ronald L. Ziegler's prediction that the House would vote against impeachment, wiser men in the White House were already conceding that there would be a Senate trial. But they were counting on a skillful effort by Wiggins to keep the vote close enough so that victory in the Senate trial would remain a possibility.

That same day, a Friday, Wiggins received a call asking him to meet with White House lawyer James St. Clair and Haldeman's successor as chief of staff, Alexander M. Haig Jr., in the White House. It was his first meeting with Haig. The two men showed Wiggins portions of a June 23, 1972, transcript, that clearly implicated the President in the direction of the Watergate coverup. By his own account, Wiggins was in a state of agitation. He read the document a second time, and then a third. When he had stopped reading, he quietly advised St. Clair and Haig that the President of the United States had two alternatives: plead the Fifth Amendment or turn the incriminating document over to the Judiciary Committee. Wiggins advised Haig and St. Clair that committee members who had supported the President now would have to reconsider their votes.

It was the statement that sealed Nixon's fate. Within the hour, Haig was calling other prominent Republicans and advising them discreetly of new information in the case. Six days later, the President resigned.

Wiggins' conduct in the moment of crisis did not come as a surprise to those who had served with him on the Judiciary Committee. Republican Don Edwards of San Jose, the Democratic chairman of the Judiciary subcommittee on which Wiggins is the ranking minority member, had never doubted what Wiggins would do if he became convinced of the evidence against Nixon. Edwards notes that Wiggins, against the political pressures

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- - Abraham Lincoln

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